Security Council

Sixty-fourth year

Provisional

6151st meeting

Friday, 26 June 2009, 3.10 p.m.
New York

President:	Mr. İlkin	(Turkey)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Koudougou
	China	Mr. Long Zhou
	Costa Rica	Mr. Hernández-Milian
	Croatia	Mr. Škrabalo
	France	Ms. Gasri
	Japan	Mr. Miyamoto
	Libyan Arab Jamahiriya	Mr. Gebreel
	Mexico	Mr. Heller
	Russian Federation	Mr. Zheglov
	Uganda	Mr. Muhumuza
	United Kingdom of Great Britain and Northern Ireland	Mr. Saltonstall
	United States of America	Mr. McBride
	Viet Nam	Mr. Dang Hoang Giang

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

09-38414 (E)

Please recycle

The meeting resumed at 3.10 p.m.

The President: I wish to remind all speakers, as I indicated at the morning session, to please limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

I now give the floor to the representative of Bosnia and Herzegovina.

Ms. Čolaković (Bosnia and Herzegovina): I would like to begin by thanking the presidency for having convened this important debate. At the same time, since this is my last address to the Security Council this month, I wish to express my gratitude to you, Mr. President, and to the Turkish delegation for successfully leading this important body during this month. I am sure that your wisdom, guidance and diplomatic skills will serve as excellent examples to all of us.

This year, the agenda item on the protection of civilians in armed conflict marks the tenth anniversary of its consideration by the Security Council, to which Bosnia and Herzegovina attaches the utmost importance. Bosnia and Herzegovina associates itself with the statement delivered by the representative of the Czech Republic on behalf of the European Union.

The report of the Secretary-General (S/2009/277) vividly describes how civilians continue to suffer the consequences of armed conflict and to be the target of attacks. In some cases women, children and unarmed men have become the primary target of attacks by parties to the conflict. An unfortunate characteristic of contemporary conflict is that civilian casualties often outnumber combatants killed on the battlefield. Bosnia and Herzegovina is deeply concerned by such attacks, especially those deliberately targeting humanitarian workers during their noble missions.

My delegation condemns all violations of international humanitarian and human rights law. Given its own painful experience, Bosnia and Herzegovina always recognizes the need for strict compliance with international humanitarian law. The international community must strengthen mechanisms to enhance compliance by State and non-State parties to armed conflict with international law, in particular based on provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

As a State party, Bosnia and Herzegovina reiterates its commitment to the provisions of the Rome Statute of the International Criminal Court (ICC). The Court must be the real guardian of the provisions of international humanitarian law. In that regard, combating impunity is a factor in preventing the commission of such acts against civilians.

Bosnia and Herzegovina welcomed the adoption of the text of the Convention on Cluster Munitions at the conference held in Dublin in May 2008. Bosnia and Herzegovina signed the Convention on Cluster Munitions at the Signing Conference of the Convention held on 3 December 2008 in Oslo. The Convention on Cluster Munitions will serve as an indispensable legal instrument to broadly contribute to the protection of civilians during armed conflict.

My country welcomes increased engagement by the Security Council on issues connected to the protection of civilians. In that regard, we would like to commend the Security Council on the adoption of presidential statement S/PRST/2009/1, at the last meeting on this agenda item, and the updated aide-memoire on the protection of civilians contained in its annex.

I am convinced that the aide-memoire, produced as a result of close cooperation between the Security Council and the Office for the Coordination of Humanitarian Affairs, is an indispensable tool that will help peacekeeping missions to successfully carry out their mandates.

My delegation supports the work of the Security Council Group of Experts on the Protection of Civilians as a body that will contribute to the protection of civilians in armed conflict through its analyses. Bosnia and Herzegovina would like to reiterate once again the importance of the role of regional and subregional organizations in conflict resolution, peacekeeping, peacebuilding and conflict prevention. Bearing in mind that the majority of conflicts today are non-international, a regional and subregional approach would lead to more workable and lasting solutions. We invite competent United Nations bodies and agencies to work closely with regional organizations in that regard.

Finally, the best way to reduce the consequences of armed conflict is the timely address of the root causes.

The President: I give the floor to the representative of Lichtenstein.

Mr. Wenaweser (Liechtenstein): We welcome this debate and the excellent report submitted by the Secretary-General (S/2009/277). In the ten years since the Council first took up the issue of the protection of civilians in armed conflict, the changing nature of armed conflict has continued to have a profound impact on the plight of civilians in armed conflicts. And indeed the report before us reveals a continued gap between the existing standards of international humanitarian law and the current realities on the ground.

We hope that this debate will prepare the ground for an open debate in November on the occasion of the tenth anniversary, that reaffirms the commitment of the Council to this agenda and results in a set of effective measures to further advance it. Among the recent steps taken, we welcome in particular the adoption of the third version of the aide-memoire and the establishment of the Security Council Expert Group on the Protection of Civilians. As illustrated in the Secretary-General's report and its annex, the challenges to the Council in the area of implementation continue to be very significant.

The development and universal acceptance of international humanitarian law is among the landmark achievements in the history of international law. Among its core principles are the distinction between combatants and non-combatants, proportionality of the use of force as well as the requirement to take all feasible measures to minimize civilian casualties. The applicable provisions of international humanitarian law must be respected in any armed conflict and by any party to it, under all circumstances and irrespective of the question of the legality of the use of force itself.

The repeated violations of these rules, such as in the conflicts in Sri Lanka and Gaza, warrant a clear response from the Council in order to promote the observance of international humanitarian law in practice. The Council must unequivocally demand compliance with international humanitarian law by all parties to a conflict and call for accountability in cases where massive and systematic violations have occurred.

Such accountability mechanisms are, ideally, established at the national level, where necessary with the assistance of regional or international organizations. When necessary, the Council should establish commissions of inquiry or similar bodies in order to enhance accountability for serious violations. In the most serious cases of the inability or unwillingness of the State concerned, the Council can consider referring the matter to the International Criminal Court (ICC).

One of the most important goals of the establishment of the ICC was to promote effective investigations and prosecutions at the national level. We therefore fully support the call of the Secretary-General on Member States to adopt legislation that holds perpetrators accountable for genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law.

Access to civilians in need of assistance is a grave problem in the area of the protection of civilians. Access is often unsafe, or is granted too late or under conditions that hinder effective delivery. The annex of the report refers to bureaucratic constraints imposed by the authorities in charge, the intensity of hostilities and attacks on humanitarian personnel and assets as the most severe and prevalent access constraints. The restrictions by the Government of Sri Lanka on the delivery of supplies to the conflict areas, the unclear and inconsistent criteria and procedures on the entry of certain relief material to Gaza and the dramatic rise in kidnappings of humanitarian personnel are disturbing examples from the recent past.

The Council must call, where necessary, on parties to conflicts to remove all unwarranted impediments to humanitarian access and allow safe passage for civilians seeking to flee conflict zones, and it must call for temporary ceasefires that are long enough to enable effective relief action by humanitarian actors. The Council has a particular obligation to protect United Nations staff and to ensure that there is no impunity for attacks on humanitarian and peacekeeping personnel, which are war crimes under the Rome Statute of the International Criminal Court.

The protection of civilians is an inherent task for all peacekeeping missions, not merely a military task, so all components of peacekeeping missions must contribute to carrying out protection mandates. We thus

welcome the development of mission-specific inclusive strategies and plans of action. That applies, in particular, to acts of sexual violence. When committed on a large scale and in a systematic and targeted manner, sexual violence is not just a by-product of armed conflict, but rather a method of warfare aimed at destroying the social fabric of communities in order to achieve political and military ends.

In that respect, we reiterate our support for resolution 1820 (2008) and call on the Security Council to provide clear guidance on how to protect civilians from acts of sexual violence.

The President: I now give the floor to the observer of Palestine.

Mr. Mansour (Palestine): I express our appreciation to you, Mr. President, for convening this debate on a matter of immense importance to Palestine. The Security Council's attention to the need for the protection of civilians in armed conflict is both appropriate and necessary. We also express appreciation to you and your country, Turkey, for your wise stewardship of the Council this month. I would also like to add that I am delighted to see you, as a good friend, presiding over the Security Council.

I also wish to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his presentation of the Secretary-General's report (S/2009/277) and for his compelling statement. We hope that the Council will continue its efforts to address this issue in an effective manner until serious protection of civilians in armed conflict is ensured in all cases, without selectivity or inaction based on political considerations.

While the past 10 years of Security Council efforts have contributed to increased awareness among Member States and the broader international community of the need to provide protection and to respond to protection issues, the situation confronting civilians in today's conflicts is tragically similar to that which prevailed a decade ago. That can be primarily attributed to the failure of parties to respect, and to ensure respect of, their legal obligations to protect civilians and spare them from the cruel consequences of war and aggression.

The Palestinian people are all too familiar with the failure of the international community to guarantee the protection accorded to them under international law, including humanitarian law and human rights law. For more than four decades, the Palestinian people have endured appalling levels of human suffering at the hands of Israel, the occupying Power, in the occupied Palestinian territory, including East Jerusalem. We reiterate our call, as we have in previous debates on this issue, that the protection of peoples under foreign occupation must be a priority undertaking of the United Nations, in particular the Security Council, which has clear responsibilities in that regard.

The international community's repeated inability to hold Israel accountable for its violations and war crimes has regrettably reinforced Israel's impunity and lawlessness, permitting it to continue using military force and collective punishment against the defenceless Palestinian people under its occupation and, in essence, absolving it from its legal obligations as an occupying Power.

In that regard, it should be recalled that protection provisions can be found in many instruments of law, including the Geneva Conventions, particularly the Fourth Geneva Convention, the provisions of which explicitly aim to ensure the safety of civilians in armed conflict, including specific provisions for civilians under foreign occupation; the Additional Protocols to the Geneva Conventions; the human rights Covenants; the Rome Statute of the International Criminal Court; and numerous United Nations resolutions.

Never has the absence of protection for the Palestinian civilian population been more evident than it was during Israel's three-week aggression against the Gaza Strip. More than 1,400 Palestinians were killed in the Israeli onslaught, the overwhelming majority civilians, including hundreds of children and women; and more than 5,500 Palestinians, including more than 1,800 children, were injured as a result of the use of excessive and indiscriminate force and lethal, and even illegal, weaponry and ammunition by the occupying forces against the civilian population. Civilian areas and objects, including United Nations schools where civilians were known to be sheltering from the violence, were directly targeted by the occupying Power, as confirmed by the number of casualties and the extent of the destruction, as well as by several investigations, including by the Secretary-General's Board of Inquiry, the League of Arab States Independent Fact Finding Committee on Gaza and

many human rights and humanitarian organizations on the ground.

Among countless other violations, the occupying Power also attacked humanitarian personnel and clearly-marked ambulances, wantonly destroyed public and civilian infrastructure, including thousands of homes, targeted United Nations schools and buildings and obstructed humanitarian access and access to medical treatment for the wounded and sick, while continuously denying an entire population their most basic rights, including their rights to food and water. Not only do all such actions constitute serious, systematic violations of international law, but many amount to war crimes, for which accountability must be pursued.

In that regard, as the report rightly states, the absence of accountability and, worse still, the lack in many instances of any expectation thereof, are what allow violations to thrive to a large extent. We thus fully agree with the recommendations in the report, in particular the recommendation that the Council mandate commissions of inquiry to examine situations where there are concerns regarding serious violations of international humanitarian law and international human rights law, including with a view to identifying those responsible and prosecuting them at the national level or referring the situation to the International Criminal Court.

In this regard, the aforementioned independent inquiries and investigations into Israel's military aggression against the Gaza Strip clearly confirm that Israel committed grave breaches of international law, as it continues to do with its ongoing blockade of the Gaza Strip in collective punishment of the entire civilian population, and other illegal measures, including colonization activities, throughout the occupied Palestinian territory.

We persist in our calls for serious steps to pursue accountability and justice with regard to Israel's crimes against the Palestinian civilian population. That is imperative for healing the deep physical and societal wounds and trauma inflicted upon the Palestinian people.

The international community, including the Security Council, must follow up on the findings and recommendations from United Nations-related investigations, including the United Nations Headquarters Board of Inquiry and the investigation being undertaken by the Human Rights Council's fact-finding commission. The Palestinian people will never forget what happened, but, at the same time, the international community must never let it happen again. That can be guaranteed only if accountability and the duty to make reparations for violations are enforced.

At the same time, urgent measures must be undertaken to end the unlawful Israeli blockade of the Gaza Strip, which has driven socio-economic conditions to deplorable levels. For two years now, since June 2007, Israel, the occupying Power, has deliberately obstructed humanitarian access, the movement of persons, including sick persons needing treatment unavailable in Gaza, and the movement of all goods, including the most essential goods such as food and medical and fuel supplies. This inhumane blockade has perpetuated the dire humanitarian crisis, especially among the most vulnerable, who continue to live amid the destruction and trauma of Israel's aggression due to its refusal to allow even the entry of materials essential for reconstruction, leaving over 50,000 people homeless and with wholly inadequate health care, clean water, electricity and sanitation. This situation has deepened the hardships and indignation of a civilian population that is unquestionably entitled to protection under humanitarian law and should not be left to the mercy of the occupying Power.

As long as Israel continues to breach its legal obligations towards the Palestinian civilian population, the Security Council must act to uphold its responsibilities under the Charter of the United Nations and ensure compliance by Israel with international law and United Nations resolutions. If Israel as the occupying Power continues to defy the Council's calls, the Council must take appropriate and concrete measures to protect the civilian population and ensure respect for the instruments of international law that are supposed to provide civilians with protection from human rights violations and crimes, including in situations of foreign occupation. We are convinced that the international community has no choice but to make progress in this regard and create a different and safer situation than that faced today by the Palestinian civilian population under Israeli occupation.

The President: I give the floor to the representative of Switzerland.

Mrs. Grau (Switzerland) (*spoke in French*): Mr. President, allow me to thank you for organizing this open debate. I would also like to thank the Secretary-General for his report (S/2009/277) and the Under-Secretary-General, Mr. John Holmes, for his briefing.

My delegation would like to associate itself with the statement made by the Costa Rican presidency of the Human Security Network, of which Switzerland is part.

The concept of the protection of civilians is based on respect for the rules of international humanitarian law, human rights and refugee law. In this context, I would like to focus on the following aspects of the report: the challenges with regard to non-State actors, the fight against impunity, the ways by which the Security Council can enhance the protection of civilians, including the commissions of inquiry, and systematic information on humanitarian access.

First, Switzerland entirely shares the Secretary-General's analysis regarding respect for international norms by non-State actors. We believe that it is indispensable that the international community support initiatives of humanitarian organizations that engage non-State groups in order to improve the protection of civilians. At the operational level, we would like to welcome the systematic work of the International Committee of the Red Cross in particular, but also of the United Nations and certain non-governmental organizations that are committed to ensuring that armed groups respect their obligations with regard to civilians. The organization Geneva Call shows the potential in this area. In this regard, Switzerland supports the recommendation of the Secretary-General requesting a meeting held in accordance with the Arria Formula.

Furthermore, it is important to clarify the international law applicable to other non-State actors in armed conflict, such as private military and security companies. In this regard, Switzerland, in collaboration with the International Committee of the Red Cross, has taken an initiative that resulted last year in the Montreux Document. We would like to thank the Secretary-General for his support of this document.

Secondly, the fight against impunity is one of the pillars of implementation of and respect for international humanitarian law. States must take the necessary measures at the national level in order to ensure that international crimes do not go unpunished. Regarding the International Criminal Court, Switzerland particularly welcomes the recommendation that the Security Council do everything within its power to ensure the full cooperation of States with the Court.

Thirdly, it is crucial that there be investigations of any alleged violations of international humanitarian law, whatever the armed conflict or the perpetrator. We therefore support the recommendation to systematically request reports on allegations of violations of law and consider the creation of commissions of inquiry. In this regard, Switzerland recalls the existence of the International Humanitarian Fact-Finding Commission established by the First Additional Protocol to the Geneva Conventions. We encourage the Security Council to give a mandate to that permanent commission rather than appointing ad hoc commissions of inquiry.

Fourthly, the Security Council should have instruments to enable it to tackle the aforementioned challenges. In this context, we hail the establishment of an informal group of experts on the protection of civilians within the Security Council and support the recommendation calling for the group to meet prior to the establishment or renewal of the mandates of peacekeeping missions. The group can thus play an important role by drawing the Council's attention to any alarming situation with regard to the protection of civilians in armed conflicts.

Fifthly, as recent humanitarian crises have shown, humanitarian access in armed conflicts is central to the protection of and assistance to persons in distress. The annex provides systematic information on situations where such difficulties prevail. We encourage the Secretary-General to continue to gather and share with the Council the relevant data.

The President: I now give the floor to the Permanent Representative of Argentina.

Mr. Argüello (Argentina) (*spoke in Spanish*): Allow me first to congratulate you, Sir, on your work during your presidency of the Security Council for the month of June. In particular, I would like to thank you for convening this open debate, to which my country attaches special importance. I would also like to acknowledge the presence of Mr. John Holmes and to thank him for the briefing he gave this morning.

This is the tenth consecutive year that the Security Council considers the issue of the protection of civilians in armed conflict. In accordance with international humanitarian law, the protection of civilians in armed conflicts is a legal obligation of the parties to the conflict from which they are not relieved even if the counterparty or counterparties act in breach of it. It is regrettable that there are still situations in which that protection is not guaranteed, which has led to the Council's permanent consideration of the matter. We are therefore convinced that the Security Council must continue to be committed to the protection of civilians in armed conflict, to promoting full respect for international, humanitarian and human rights law and to combating impunity.

My delegation is grateful for the report (S/2009/277) of the Secretary-General on the protection of civilians in armed conflict. We deeply regret that, as it was 10 years ago, its conclusions are discouraging. There are still many situations in which civilians are the target of attacks, as evidenced by the unacceptably high number of victims among civilians, situations where children are recruited as soldiers and are subject to abuse, situations where sexual violence is a daily occurrence and other situations where thousands and even millions of persons are displaced and where it is impossible to deliver humanitarian assistance. The report of the Secretary-General very clearly identifies five challenges.

Eradicating armed conflict is one of the objectives of the Charter of the United Nations and of the international community as a whole. However, where conflicts exist, the parties are obliged to respect the basic rule — which originated even before the establishment of the Organization — that civilians must be protected from the effects of the conflict.

With regard to non-State armed groups in conflicts that are not of an international nature, it is clear that common article 3 to the four 1949 Geneva Conventions includes specific obligations that must be respected by the parties — that is, they apply also to parties that are not of a State nature.

With regard to peacekeeping operations and the protection of civilians, my country firmly believes that including protection activities in the mandates of United Nations missions is important to ensuring the effectiveness of humanitarian assistance in practical terms. However, the report of the Secretary-General and the conclusions of the workshop on the subject organized in January 2009 by Australia and Uruguay have underscored the need to develop clearer mandates that provide the necessary resources in an efficient and timely manner. In that regard, we await the independent study requested by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, which could serve as a starting point in continuing to address this issue.

Another important aspect of the protection of civilians is to guarantee humanitarian assistance. If, owing to the inability or lack of will of the parties involved in a conflict to fulfil their obligations under international humanitarian law, they should at least make every effort to guarantee the passage of shipments and materials and the delivery of emergency assistance. The other fundamental aspect of access is that persons escaping from combat areas must be allowed safe passage to places where they are protected from the hostilities.

With regard to the role of justice, that is an issue to which my country, by virtue of its not-too-distant past, attaches the outmost importance. Individuals who commit war crimes, genocide or crimes against humanity are responsible for very serious violations of the law, and must therefore be criminally accountable before the law. The Council has established two international tribunals, namely, for the former Yugoslavia and for Rwanda. In addition, the International Criminal Court is now fully operational. I would like to recall that the International Criminal Court is not a tribunal intended to supplant national justice; instead it operates when the latter is not functioning. In other words, ensuring accountability for such crimes under national systems is not only an obligation of States. As suggested by the Secretary-General, it could also help to alleviate some of the perceptions about the tension between the quest for justice, on the one hand, and the search for peace, on the other.

Allow me to conclude by reiterating that, under international humanitarian law and Security Council resolutions, attacks on civilians or other protected persons in situations of armed conflict constitute a blatant breach of international law. I urge strict compliance with the obligations arising from the 1899 and 1907 Hague Conventions, the four 1949 Geneva

Conventions and their 1977 Protocols, and the decisions of the Security Council.

The President: I now give the floor to the Permanent Representative of Canada.

Mr. McNee (Canada): I would like to thank you, Mr. President, and the delegation of Turkey for convening this important debate. Under-Secretary-General Holmes gave us a particularly cogent briefing at the outset, for which Canada is very appreciative.

This year marks the tenth anniversary of the first groundbreaking thematic resolution on the protection of civilians. Resolution 1265 (1999) and its sister resolution 1296 (2000) articulated clearly and specifically the linkage between the protection of civilians in situations of armed conflict and the Council's responsibilities for the maintenance of international peace and security. Collectively, the international community has built a solid international legal and normative framework. But the question remains: has that led to positive results for civilian populations? Since the last open debate on this issue, in January, a number of situations have demonstrated that critical gaps remain between words and actions.

In the Sudan, the expulsion in March of 13 international non-governmental organizations (NGOs) from the northern parts of the country, including Darfur, and the closure of three national NGOs have forced the scaling back of assistance and weakened humanitarian response capacity. In the meantime, peacekeepers are unable to fulfil their protection mandate.

In Sri Lanka, the intensification of fighting during the final months of the conflict led to significant numbers of civilian casualties. Hundreds of thousands of civilians were trapped in a shrinking area without shelter or basic services, under repeated shelling and used as human shields.

In Afghanistan, indiscriminate acts of violence remind us why the support for the international Mission and the Afghan people is so important.

Sharp increases in the numbers of displaced persons in Pakistan underscores that the international community's collective support for international humanitarian action is a critical component of protection efforts.

Canada welcomes the Secretary-General's most recent report on the protection of civilians in armed conflict (S/2009/277). It outlines key challenges and offers a practical road map for Council attention and action. This afternoon I would like to focus on three key elements in the report: the need for practical efforts, access and accountability.

First, 10 years of experience tells us that the language on the protection of civilians in Security Council resolutions does not automatically translate into clear mandates and operations on the ground. To bridge this gap, Council language must be translated into practical, field-based guidance for military and civilian actors, including civilian police, as John Holmes proposed in his briefing earlier. Those entrusted with protection must have the knowledge and training required to effectively fulfil this role, with particular sensitivity to vulnerable groups, such as women and children.

Canada was pleased to recently co-sponsor a conference at Wilton Park, in the United Kingdom, to examine the role for military peacekeepers in addressing sexual violence. The conference resulted in an inventory of good practices for peacekeepers to use in protecting civilians from sexual violence.

We also need to work together to assign appropriate accountabilities in order to ensure that mandated tasks are implemented. Canada applauds the commitment of the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO) to more effectively operationalize the protection of civilians within peacekeeping mandates. We welcome the recent DPKO high-level seminar on robust peacekeeping, and we recognize the work of the Special Committee on Peacekeeping Operations, which included a reference to the protection of civilians in its 2009 report. My delegation also looks forward to the upcoming OCHA/DPKO lessons-learned study based on 10 years of implementing protection of civilians mandates in peacekeeping operations. The potential significance of this study should not be underestimated. Canada urges the Council to consider this study seriously and to act on its key recommendations.

It is also important to prevent gaps in coordination between peacekeeping operations and civilian agencies, which have a critical role to play in protecting civilians. Effective coordination between

peace and security, development and humanitarian actors remains key to ensuring that gaps are addressed and protection needs are met.

Secondly, Canada welcomes the Secretary-General's focus on humanitarian action. The question of access cuts to the heart of our ability to assist populations at risk, yet access is too often hindered or denied outright. Full, safe and unhindered access to populations in need must be provided. We welcome OCHA's efforts to monitor access constraints more effectively and report to the Council on this issue. Timely, credible information and analysis on access challenges are crucial in the development of effective responses.

However, when issues such as access are brought to the Council's attention, follow-up is vital. In its response, the Council must be willing consistently to draw upon key tools at its disposal, including deploying fact-finding missions, good offices, special envoys, monitoring missions and preventive deployments when civilians are at risk, and support for humanitarian and human rights agencies to promote compliance with international law. In addition, the Council must monitor its own resolutions and provide back-up to missions as necessary.

The Secretariat also has a role. In the Democratic Republic of the Congo, for example, field visits by the Security Council Expert Group on the Protection of Civilians, perhaps in conjunction with the Working Group of the Security Council on Children and Armed Conflict, could provide the Council with key information about humanitarian and protection needs and the conduct of the mandate.

The third issue remains front and centre, and that is the issue of accountability. Despite the existence of numerous provisions under international law, attacks against civilians, including humanitarian workers, often continue unabated. Such attacks must be seen as the crimes that they are. Accountability is critical. National authorities are responsible for exercising jurisdiction over those responsible for committing such crimes. When there is an unwillingness or inability to do so, the Council and the broader United Nations membership have a role to play in ensuring that those who commit serious violations of international human rights and humanitarian law are brought to justice.

(*spoke in French*)

Finally, the Government of Canada is pleased to see a reference to the Montreux Document (S/2008/636, annex) on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict. Canada is pleased to have participated in the debate that led to the adoption of this non-binding document intended to clarify international law as it pertains to private military and security companies. This compendium of good practices is a good guide for Member States, in particular in their relations with private security providers. We ask Member States to support this document and to advocate on its behalf.

Over the past 10 years, we have put in place an exceptional framework to guide our collective action. We have sought thereby to ensure that the Council and its mandated missions will never be at a loss for strategies to deal with the most serious situations in which civilians are at risk. In terms of the future, we have undertaken new initiatives to respond to emerging problems. Canada urges the Council to ensure that its actions are appropriate, to remain vigilant in its monitoring, and to exercise the necessary political will to deploy the full range of measures at its disposal to protect civilians.

The President: I now give the floor to the Permanent Representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): Allow me to express to you, Mr. President, and, through you, to members of your delegation and your friendly country, Turkey, my delegation's thanks for having convened this meeting on the protection of civilians in armed conflict. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for introducing the report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277).

We continue to see civilians paying the heaviest price in armed conflicts. The world has seen remarkable progress in the legal field and through international agreements in addressing the issue of the protection of civilians in armed conflict, beginning with the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and the many subsequent resolutions adopted by the Council. However, the striking paradox here is that the gap is widening between the texts and their application on the

grounds, in other words between what is legal and the practices on the ground regarding the protection of civilians in armed conflict.

Ten years have elapsed since this Council first debated this important theme. Delegations participating in this debate, Council members, the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and the special rapporteurs are all demanding greater respect for international norms and laws that guarantee protection for civilians in times of armed conflict.

In that regard, let us recall the Security Council's most recent deliberations on this matter, on 14 January 2009 (see S/PV.6066). Those deliberations coincided with events witnessed by the entire world: brutal and flagrant aggression by Israel against the Palestinians in the Gaza Strip. At that time, most delegations demanded that Israel, the occupying Power, comply with international law and norms relating to the protection of Palestinian civilians in Gaza; they stressed the need to ensure the delivery of humanitarian assistance to those people and the need for an independent international investigation of the war crimes committed by Israel during that aggression.

Unfortunately, however, despite repeated demands by the Security Council and the international community that Israel cease its illegitimate policies and practices forthwith, Israel not merely ignored all those pleas and demands but escalated its aggressive action targeting unarmed civilians who were virtual hostages in that vast collective prison. To this day, Israel continues its policies of aggression against the Palestinian civilian population by imposing a siege, closing border crossings, carrying out detentions, forbidding movements by sick people and students, impeding the delivery of international aid in the form of supplies and medicine to the people of Gaza, imposing collective punishment, confiscating land, engaging in settlement activities, demolishing homes and burning farmland, in addition to its oppressive and arbitrary practices against the civilian Syrian population of the occupied Syrian Golan. It thus blatantly thumbs its nose at international legitimacy, international law and international humanitarian law.

Israel's criminal acts are a unique instance of the systematic and comprehensive breach of all international norms and principles set forth in international law, international humanitarian law, international human rights law, the Rome Statute of the International Criminal Court and the 1949 Geneva Conventions and their Protocols. Israel's aggressive behaviour is marked by a stain that no other usurper of land in history has borne: it breaches, en masse and without exception, the entire cumulative historical body of human law.

In a series of statements, most recently that of 14 January 2009 (S/PRST/2009/1), on the protection of civilians in armed conflict, the Security Council has condemned all violations of international law against civilians and has called on all parties concerned to put an end forthwith to such practices. The Council has also stressed that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians and to meet their basic needs, including by giving special attention to the specific needs of women and children. The Council recognized the needs of civilians under foreign occupation and stressed further, in this regard, the responsibilities of the occupying Power. It stressed the importance of safe and unhindered access for humanitarian personnel in order to ensure the delivery of assistance to civilians in armed conflict, in conformity with international humanitarian law. The Council also emphasized the responsibility of States to comply with their obligations to end impunity and to prosecute those responsible for war crimes, genocide and crimes against humanity.

Furthermore, in his most recent report, the Secretary-General stated grave concern at the high number of casualties in Gaza, in particular among children, and at the damage to homes and schools, including schools operated by the United Nations itself, as a result of the Israeli aggression. The Secretary-General also expressed concern at Israel's wide-scale use of cluster munitions and explosive weapons against civilian populations in Gaza. In his report, the Secretary-General states that Israel has persisted in imposing restrictions on the delivery of humanitarian assistance to Gaza and noted the broad impact on the lives of civilians. The report states that "[t]he cumulative effect of these restrictions and their unpredictability contribute to the protracted suffering of Gaza's civilian population" (*S/2009/277, annex, para. 16*).

My delegation carefully studied the Secretary-General's summary of the report of the Board of Inquiry he dispatched to Gaza. That report documents crimes committed by Israel against United Nations premises and against Palestinian civilians in those

premises, including women and children. It documents Israel's use of white phosphorus bombs and its responsibility for deaths and injuries within United Nations buildings, along with the damage caused to those premises.

Those are all war crimes, and the Security Council is obliged, more than ever before, to implement the recommendations of the Board of Inquiry, which was chaired by Mr. Ian Martin, and to hold Israeli leaders accountable for their repeated crimes, which are legally defined as war crimes, crimes against humanity and genocide.

Here we ask the Security Council to tell us: What international obligations has Israel met since the Council added this item to its agenda? Another important question to which an answer would be much appreciated is this: Why do we have a double standard for the implementation of international law, with Israel exempt from fulfilling the norms of international law? Or is there a crisis in the understanding of legal terminology, by which Palestinian civilians are considered to be unlike any other civilians in the free world?

The situation of Syrian civilians in the occupied Syrian Golan does not differ greatly from that of the Palestinians. The Israeli occupation authorities continue to pursue practices such as confiscating land, stealing water resources, laying mines and expanding illegal settlements. Israel also persists in oppressing the Syrian civilian population in the occupied Golan and throwing civilians into prisons and detention centres, without justification, in life-threatening conditions. Let me also cite in particular the case of a Syrian citizen, Bishr al-Mukt, with respect to whom my Government has appealed to the Secretary-General and to the International Committee of the Red Cross and other international institutions, urging them to intervene to save his life.

The most recent such practice in the occupied Syrian Golan was the imposition by the Israeli authorities of two years of house arrest against a two-year-old child, Fahid Lu'ay Shuqeir, on the excuse that he was born outside Israel when his parents were studying in Syria. In the same context, Israel persists in its policy of disrupting all forms of communication among Syrian families that have been torn asunder as a result of occupation. Also, the Israeli occupation authorities confiscated the Syrian identity cards of Syrian students studying at Damascus University when they returned to their towns and villages in the occupied Golan.

To lend credibility to this special debate, Syria demands that this Council bring pressure to bear on Israel in order to allow the immediate resumption of family visits by Syrian citizens through the Quneitra crossing. My country addressed letters on this matter to the Secretary-General, the President of the Security Council and the President of the General Assembly and to international governmental and non-governmental organizations, requesting that they intervene to resolve this matter. It is our sincere hope that all these parties will translate their positions that we have heard in this debate into realities on the ground, especially since international law considers that Israel's occupation of the Golan is double occupation, which requires double criminalization by this Council.

Israel was not satisfied by having occupied the Syrian Golan since 1967 but enacted an unjust and provocative decree to annex it. The Security Council unanimously rejected that decree in resolution 497 (1981), which considered Israel's annexation of the occupied Syrian Golan null and void and demanded that Israel rescind it forthwith.

The President: I next give the floor to the representative of Peru.

Mr. Chávez (Peru) (*spoke in Spanish*): I wish to thank you, Mr. President, for promoting the holding of this open debate and to thank the Secretary-General for the presentation of the report on the protection of civilians in armed conflict (S/2009/277). We also thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his comprehensive introduction to the subject on which we are meeting today.

The report of the Secretary-General mentions concrete progress that should be underscored, for example, the establishment of the Security Council Expert Group on the Protection of Civilians in response to a recommendation from the Secretary-General. The Group, which has already held a number of meetings, has substantively promoted the treatment in the Security Council of matters relating to the protection of civilians. That has contributed to the subject's being reflected in respective Council resolutions. That achievement, we believe, can promote the strengthening of the needed interaction between the

Office for the Coordination of Humanitarian Affairs and the Security Council, as indicated in the Secretary-General's report. Peru firmly supports this. The Expert Group needs to continue to work steadily, focusing on those cases that, as the report indicates, have not yet been definitively resolved, in spite of the passage of time and the efforts devoted to them.

We have all seen how the United Nations has been working, particularly in the Security Council, to promote and provide real protection for civilians in armed conflicts. In the past 10 years there have been many reports and resolutions that define steps and actions to be taken with regard to this problem. Nonetheless, it is very alarming to see in the report of the Secretary-General that in 1999 the situation was not substantively different from the current situation. In other words, there are still inexcusable situations where human rights and international humanitarian law are violated in the different conflicts that now persist. The civilian population, women and children in particular, are the main victims.

In light of this situation, the Security Council must maintain and promote concrete and effective action to ensure the protection of civilians in armed conflicts and of displaced persons and refugees. Therefore we urge the Council to effectively manage the complete implementation of its resolutions 1296 (2000) and 1674 (2006), which reflect the heart of today's debate — in other words, the responsibility of all Member States to protect the civilian population in armed conflicts. Along with those efforts, it would be desirable for the debate on the responsibility to protect to begin as soon as possible in the relevant forum.

Likewise, Peru resolutely supports the programmes and policies that promote the prevention of violence. That is why we must insist on the need for the full implementation of resolution 1325 (2000) so that grave cases of rape and other forms of sexual violence will be referred to the International Criminal Court. On that same issue, it is indispensable that States assume as a matter of priority their responsibility to execute justice and to punish those responsible for the crime as part of the integral approach to national reconciliation — which should be their goal.

We also share the views expressed by the Secretary-General in his report regarding the need to implement certain measures that will contribute substantially to actions undertaken to protect civilians in armed conflicts. Among others, we would underscore the promotion of respect for international humanitarian law and of compliance therewith by all parties to a conflict, in particular by non-State armed groups. Other measures include the strengthening of protection of civilians by making peacekeeping operations and other, related operations more effective and, lastly, broad access to humanitarian assistance and accountability when the law is broken. With these concrete actions we would be giving renewed impetus to the protection of civilians in armed conflicts.

Finally, we must recognize that in order to strengthen the protection of civilians once the conflicts have ended, resolute action should be initiated to build and strengthen, in the affected countries, institutions and the rule of law and to ensure stable economic conditions with development strategies. Those would be crucial steps towards consolidating any integral peace and development process, which would effectively combat poverty and social exclusion — problems that often lie at the origin of internal armed conflicts that we endeavour to prevent.

The President: I now give the floor to the new Permanent Representative of Australia and wish him continued health, happiness and success.

Mr. Quinlan (Australia): Thank you, Mr. President. At the outset, I would like to thank the Under-Secretary-General for Humanitarian Affairs for his briefing this morning and, through him, to commend the Office for the Coordination of Humanitarian Affairs for their tireless efforts in advancing the protection of civilians. I would also like to commend the Secretary-General for his latest comprehensive report (S/2009/277) on this very serious subject. The breadth of the report is striking and serves to remind us of the challenges we need to overcome if we are really serious about affording protection to civilians.

Given the constraints of time, it is not possible, obviously, to do justice to the report in its entirety; rather, I will focus my remarks on three areas of particular importance for Australia.

First, the question of humanitarian access remains a critical challenge for the Council and for Member States. It is vital that people in need have access to humanitarian assistance. While we may all agree on that broad principle, in practice constraints on access

deprive millions of vulnerable people of life-saving assistance. The annex to the Secretary-General's report helpfully seeks to unpack this issue, highlighting the key types of constraints that are faced and identifying practical measures that need to be taken to overcome them.

As emphasized by the Secretary-General, Member States need to increase their efforts to address these constraints to access. In particular, there is a clear need for action to streamline bureaucratic procedures to facilitate humanitarian assistance. While we welcome the efforts of many States in that regard, there remain too many instances where onerous bureaucratic restrictions jeopardize timely responses and add to the cost and reduce the effectiveness of humanitarian operations.

Furthermore, all parties to a conflict must respect international humanitarian law and protect humanitarian personnel, assets and facilities. To this end, it is important for all parties, including non-State actors, to cooperate with humanitarian organizations to establish arrangements that allow for the safe passage of humanitarian workers and relief items to affected populations.

We also support increased efforts to build partnerships and strengthen coordination between affected States, regional organizations, the United Nations system, the Red Cross movement, and the broader international humanitarian community. Strong partnerships built on trust and mutual respect are clearly essential to ensuring access.

The second issue I would like to touch on is the inclusion of protection of civilians tasks in peacekeeping mandates. The will to mandate for the protection of civilians has a growing consensus, as demonstrated by the recognition of such mandates in the report of the Special Committee on Peacekeeping Operations for the first time earlier this year. Nevertheless, there is a commonly identified gap between the strategic and operational levels in United Nations protection of civilians mandates. The absence of guidelines and training for peacekeepers on protection tasks contributes to the ineffective implementation of mandates. We would encourage the development of such guidelines and training to assist mission personnel in understanding how to effectively implement their mandates. We would also encourage closer cooperation between the Security Council, the Secretariat, and troop- and police-contributing countries in developing and implementing realistic mandates.

The third point I would like to touch on is that the Council needs to be more willing to consider country situations in which civilians are at risk. The experience of the past 10 years has demonstrated that the Council accepts its responsibility to address the protection needs of civilians in internal conflicts. We welcome the Council's attention to the needs of civilians in such conflicts, from Afghanistan to the Sudan, from the Democratic Republic of the Congo to Timor-Leste.

However, there is clearly a need for greater consistency in the Council's approach. Too often still, the Council appears unwilling to address the plight of civilians in many internal armed conflicts, notwithstanding the obvious destabilizing effects and regional consequences of such conflicts. In failing to do so, the Council falls short of its obligations under the Charter.

The Council does not want for policy options in addressing such threats. Chapters VI, VII and VIII of the Charter, as demonstrated by past Council practice, provide the Council with adequate tools to make a difference, including the condemnation of violations of international humanitarian law, targeted measures such as sanctions, the utilization of international criminal justice mechanisms to end impunity, and the authorization of the use of force. What is lacking at times, as we know, is the political resolve of the Council to use those tools to protect civilians and of the broader membership to support such Council action.

Australia looks forward to continuing to work with the Council, other Member States and the Secretariat in advancing our collective consideration of these important issues.

The President: I give the floor to the representative of Jordan.

Mr. Al-Allaf (Jordan) (*spoke in Arabic*): I should like at the outset to thank you, Sir, most sincerely for convening this important meeting and for leading the work of the Council so skilfully and wisely. We also thank your predecessor, the representative of the Russian Federation.

My delegation further wishes to thank the Under-Secretary-General for Humanitarian Affairs for his

briefing. We welcome the report of the Secretary-General (S/2009/277) on the protection of civilians in armed conflict and the recommendations contained therein.

Jordan supports the recommendation made by the delegation of Costa Rica on behalf of the States members of the Human Security Network.

Over the past 10 years, the Council has developed the concept of the protection of civilians in armed conflict, which has become one of the principal substantive thematic issues on its agenda. Despite some positive developments, a number of persistent challenges are hindering us from achieving our aim of protecting civilians, especially children, women and people with special needs. Jordan agrees that these challenges include enhancing respect for international law by parties to conflicts, including non-State armed groups and especially in military operations; strengthening protection by improving the effectiveness and resources of peacekeeping operations and other missions; facilitating access to humanitarian assistance; and ensuring accountability for violations of the law.

When we talk of the need to protect civilians in armed conflicts, the case of Gaza stands out among the ongoing concerns of our family of nations. We must apply the concept of the protection of civilians in armed conflict fairly and comprehensively. As the United Nations family has failed to implement this concept in the course of military operations and armed aggression, we should at least apply it following such operations. The two principal preconditions of human security, and the central tenets of the Human Security Network, are freedom from fear and freedom from want. The protection of all should be a priority for all United Nations Member States, united under the Charter, in which we affirm our deep faith in human dignity and values and basic human rights, the most important of which is the essential right to life.

The suffering of Palestinian civilians in the Gaza Strip did not stop with the end of the Israeli aggression, but persists under the restrictions on the delivery of relief and assistance imposed by Israel. This ongoing suffering has had an impact on social, economic and human activities in Gaza. Israel continues to prevent the delivery of basic construction materials for rebuilding the infrastructure and water and sanitary facilities. The border crossings remain restricted, hindering early recovery efforts. If for some reason all of this did not fall under the principle of the protection of civilians in armed conflict, the principle itself would have to be reviewed and redefined.

Jordan calls for full respect for humanitarian law and international human rights. It also upholds the distinction between civilians and combatants and the international instruments related thereto, and insists that all parties respect the principle of legitimate self-defence against armed aggression. Innocent civilians must not be deliberately or indiscriminately targeted in attacks. International humanitarian law tells us how people should be treated if they are not taking part directly in military operations. States should show their moral commitment by using their genuine political will to change the harsh realities on the ground experienced by civilians in armed conflict, including in cases of foreign occupation, where the victims are always civilians.

We agree with the Secretary-General that peacekeeping operations include components that enable them to have a direct impact on the protection of civilians. Jordan supports the inclusion of civilian protection mandates in all peacekeeping mandates. This should apply in particular to those civilians who are threatened by physical violence — without undermining the primary responsibility of the host country to protect civilians. Jordan is pleased that the report has proposed that peacekeeping operations assist host States with such missions, in order to create a climate of peace and security.

Successful protection of civilians requires a certain number of components. Those include a comprehensive approach, clarity in the mission mandates adopted by the Security Council, support to missions from the standpoint of resources, training and concepts of operations.

It is important to understand that the protection of civilians is not solely a military task. All components of a peacekeeping operation should help with the obligation to protect, as entrusted to the mission.

Finally, my delegation would like to state its readiness to take part in the efforts to develop the concept of the protection of civilians in armed conflict and to work with all parties concerned, and it welcomes the creation of a group of experts on the protection of civilians, as well as the convening of this meeting.

The President: I now give the floor to the representative of Italy.

Mr. Cornado (Italy): Thank you, Mr. President, for taking the initiative of convening this debate. Let me also express my appreciation to Under-Secretary-General Holmes for his thorough briefing on the progress achieved and on ongoing concerns regarding the protection of civilians in armed conflict. We endorse the five core challenges approach referred to in the Secretary-General's report (S/2009/277).

Italy fully associates itself with the statement delivered by the representative of the Czech Republic on behalf of the European Union. I will touch on points of particular interest to my Government, keeping in mind my country's recent experience as a non-permanent member of the Security Council.

Italy is proud to have been one of the sponsors of resolution 1820 (2008), to whose drafting we actively contributed. Sexual violence as a tactic of war has emerged as one of the foremost threats to the civilian population in recent conflicts. Women and children bear the main brunt of that horrific practice. With resolution 1820 (2008), the Council stated loud and clear that this is a matter of international peace and security to which the utmost attention must be paid. Parties to conflict must immediately and effectively put an end to sexual violence and take special measures to protect women and children from it. Impunity must cease and those responsible must be held accountable.

We look forward to receiving the Secretary-General's report pursuant to resolution 1820 (2008). We will read it with attention and will consider its recommendations, and we hope very much that the Council will act upon them to make further progress in protecting women and children.

Whenever a peacekeeping operation is in place, civilians expect to be protected by United Nations forces. When that task is not fulfilled, the Organization's credibility is at stake. Failure to prevent civilian casualties and to ensure the safe return of refugees and the protection of children could engender mistrust and disappointment, and could ultimately put peacekeeping missions at risk. That is another reason why the protection of civilians should continue to be part of peacekeeping mandates and why peacekeepers should be properly trained and equipped.

The ongoing review of the peacekeeping doctrine is taking those developments into account. The concept of robust peacekeeping is now spreading through international seminars, the Secretariat's assessments and Security Council debates. Yet, as the Secretary-General's report highlights, the protection of civilians is not only a military task; it is a more inclusive challenge. Every component of a peacekeeping mission — military, police, civil, gender, human rights and child protection — has to contribute to achieving the protection goals.

During Italy's recent term as a non-permanent member of the Security Council, we supported the inclusion of civilian protection clauses in peacekeeping mandates. We did not stop there. Together with the United Nations, the Italian Government hosted a symposium on child protection in armed conflict in Rome three days ago. As the Italian Foreign Minister stated on that occasion, the ultimate goal is to spread awareness among the international community on the impact of armed conflict on civilians, especially children. As a concrete result of the event, joint training initiatives in this field are being considered by the Italian Government and the Department of Peacekeeping Operations.

Just as peacekeeping operations require instruments that are not only military in nature, international criminal jurisdiction should be viewed increasingly as a complementary instrument in the suppression of international crimes. It is States that, by adapting their laws and jurisdictions, should be the first to respond to serious breaches of law, such as war crimes and crimes against humanity, committed in their territories. At the same time, it is up to States — through collaboration with the International Committee of the Red Cross and other institutions competent in the field — to raise awareness of the basic principles and the importance of international humanitarian law, especially in the armed forces.

We are convinced that the protection of civilians requires further efforts to prevent the destabilizing accumulation of conventional weapons and to minimize their humanitarian impact as much as possible. Italy is therefore at the forefront of the fight against the illicit trafficking of small arms and light weapons and is actively engaged in the United Nations process towards a legally binding arms trade treaty establishing international standards — including the

respect for international humanitarian law and human rights — for transfers of conventional weapons.

Italy also strongly supports universal adherence to and full implementation of the Ottawa Convention on the prohibition of anti-personnel mines and the Convention on Certain Conventional Weapons — in particular its Protocol V, on explosive remnants of war — as well as the early entry into force of the Convention banning the cluster munitions that cause unacceptable harm to civilians.

I would like to conclude on a more general note by recalling the reaffirmation by resolution 1674 (2006) of the principle of the responsibility to protect, a cardinal achievement of the United Nations. That principle implies that sovereignty brings special responsibilities. Governments must protect their own populations, and the best way for them to do so is to promote human rights, the rule of law and democratic governance. Only when a Government is unable or unwilling to do so should the international community intervene. The responsibility to protect should not be perceived in a confrontational manner; it should be seen instead as an instrument available to the international community to overcome crises, provided that the conditions referred to in paragraphs 138 and 139 of the 2005 World Summit Outcome (General Assembly resolution 60/1) are met.

Within that framework, the debate on the report of the Secretary-General will be a timely opportunity to build on the consensus achieved at the 2005 World Summit and concretely implement the responsibility to protect. Italy intends to actively participate in that debate.

The President: I now give the floor to the representative of Nicaragua.

Mr. Hermida Castillo (Nicaragua) (*spoke in Spanish*): Allow me first of all to congratulate you, Sir, on your presidency of the Security Council. I am also grateful to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his introduction of the report of the Secretary-General (S/2009/277).

In a few months, we will mark a decade since the subject of the protection of civilians in armed conflict was first considered by the Security Council. My country considers it important to reiterate at this time a few basic points on that topic. First, the protection of civilians in armed conflict must be carried out within the framework of strict compliance with the principles contained in the United Nations Charter, with full respect for the national sovereignty and territorial integrity of the countries involved in a conflict. Although the principle of the protection of civilian populations is among the most commendable, we shall not allow it to be manipulated so that some interfere in the strictly internal affairs of sovereign States. Unfortunately, there is a plethora of examples of that type of manipulation in the history of Nicaragua, Latin America and the Caribbean in general.

The Secretary-General, in the report before us for consideration (S/2009/277), describes a way to strengthen compliance with the relevant international norms, but it is obvious that the Council has been selective in its approach and decisions in that regard. In fact, in its resolution 1674 (2006), the Security Council reaffirmed that it was essential to end impunity so that a society in conflict or recovering from conflict could come to terms with past abuses and prevent future such abuses.

Where then is the Council's resolve when it comes to the humiliated and tormented Palestinian population? Unfortunately, the day when the long-awaited justice for which the Palestinian people have been calling becomes a reality seems very uncertain and distant. Applying a double standard with regard to the protection of civilian populations inevitably undermines the credibility of this Council. It is that double standard that fuels, inter alia, the despair of a people who see no future other than that of the missiles launched against them by a Power with crushing military technology.

We also hope that where there are so-called coalitions or multinational forces, mechanisms for accountability and international justice will be developed, so that the words "collateral damage", used euphemistically by the military hierarchies of certain countries, will disappear from the international news and so that the relatives of the victims of the devastation of war by some will be compensated and justice applied.

With regard to the protection of civilians in imminent danger of physical violence, as the Security Council has provided for in the context of peacekeeping operations, it is important to reiterate that such a task must be accomplished in accordance with the purposes and principles of the United Nations

Charter and with the guiding principles of peacekeeping operations, which, I recall, include the consent of the host State. In peacekeeping operations, the protection of civilian populations cannot be consistently ensured without a broad peace process in which all interested parties participate and that is supported by the national authorities. It is therefore of primary importance that peacekeeping missions not only cooperate closely with the national authorities but also support them in carrying out their task of protecting civilians.

Similarly, the difficult and painstaking session of the Fifth Committee, that just concluded yesterday should serve as a lesson to the members of the Council. May it be understood once and for all that, in order to be able to implement the mandates voted on here in this Council, peacekeeping missions must be provided with all necessary resources. Those resources are vital to the provision of consolidated and specific training activities for each mission with a mandate to protect civilians, and to increase the operational capacity of the Blue Helmets and the national forces of the host country. In that regard, the General Assembly awaits the report of the Secretary-General requested by the Special Committee on Peacekeeping Operations on bringing approved resources in line with operation mandates.

Political crises that degenerate into armed conflicts are, in the overwhelming majority of cases, the symptom of social and economic crises that cannot be lastingly resolved without genuinely tackling the root of the problems. There will be no peace and security in the world without economic and social development for all. Only in that way will civilian populations be truly and effectively protected.

The President: I now give the floor to the representative of Morocco.

Mr. Bouchaara (Morocco) (*spoke in French*): Allow me, first of all, on behalf of the Moroccan delegation, to thank you, Mr. President, for organizing this important debate on the crucial subject of the protection of civilians in armed conflict. My thanks also go to Mr. John Holmes for his briefing at the beginning of this debate.

The protection of civilians has become a recurring topic in the face of violations by parties to armed conflict of their obligations under international law and international humanitarian law. The tragic experiences of terror and privation to which civilians are subjected in situations of armed conflict arouse our indignation.

In fact, the growing importance that the Security Council has accorded to this issue for 10 years is fully justified. But the negative observation in the Secretary-General's report (S/2009/277) that, despite the efforts made since 1999 and the various decisions taken by the Council, in particular the growing asymmetry of conflicts and their consequences for civilians impels us to rethink the concept of the protection of civilians and to broaden it to include the post-conflict phase.

The existence of conflicts and the persistence of some of them, sometimes for decades, are explained by many factors. Among those, we cannot ignore the sometimes active involvement of States of the region, either through their direct engagement or indirect participation, which contributes to the continuation of those conflicts and thus makes them more difficult to resolve. That is why the issue of good neighbourliness and regional cooperation in all its forms is often the key to any lasting solution that guarantees the protection and prosperity of the populations concerned.

The new wave of intra-State armed conflicts and armed rebel dissidence is, in most cases, the result of frustration generated by poverty, the poor distribution of resources, where they exist, and underdevelopment. Those armed conflicts, fuelled by trafficking in arms and drugs, have endangered the security of men, women, elderly people and children, who are often forced to flee for fear of reprisals, as targets of military attacks in flagrant violation of international humanitarian law.

Those intra-State conflicts have given rise to a proliferation of the tasks assigned to peacekeeping operations, including the protection of civilians. The execution of those tasks must be in accordance with the purposes and principles of the United Nations Charter, in implementation of the guiding principles governing the conduct of peacekeeping operations and based on the support of the international community.

The task of protecting civilians, in the context of peacekeeping operations that have such a mandate, is the primary responsibility of the host country, as affirmed by the most recent report of the Special Committee on Peacekeeping Operations, and therefore the missions that have such a mandate should

undertake their activities without prejudice to the primary responsibility of the host State.

It is also worth underscoring that the success of activities aimed at ensuring the protection of civilians, when they come under a United Nations mandate, requires the integration of efforts at all levels, the availability of resources and necessary means, the improvement of operational capacities and, above all, the mandates for the mandates of peacekeeping operations to be clear and feasible. Of course, it goes without saying that priority should be given to the political process itself, since deployment in a context where that is non-existent or compromised will not ensure the success of the mission deployed. The best guarantee for the protection of civilians has one name, that of peace.

When the 2005 World Summit endorsed the principle of the responsibility to protect, it did so taking into account the sovereignty of States and their primary responsibility to protect their own populations against any foreign intervention. As we see it, the implementation of this principle should be the subject of broad, multilateral and universal consultation to define the parameters and field of action of such protection. Likewise, the work of humanitarian organizations must be carried out judiciously and effectively, in accordance with the principles of justice, neutrality, objectivity and independence.

The instruments of international law, including the obligation to protect civilians in situations of armed conflict, are reflected in the Fourth Geneva Convention, the Additional Protocols, the human rights covenants and the relevant resolutions of the General Assembly and the Security Council.

Nonetheless, in spite of the existence of this legal arsenal, the Palestinian people continue to suffer terribly. The Council will recall that, last December, the Palestinian people in Gaza suffered military attacks and were the victims of the disproportionate use of force by Israel without any international protection leaving hundreds dead and thousands wounded, including many children, in violation of international law and international humanitarian law. This situation is all the more disturbing in that it is accompanied by unacceptable restrictions on humanitarian access, thus depriving the most vulnerable sectors of the Palestinian people of their most basic rights.

One factor fuelling the outbreak of armed conflict and causing physical and psychological harm to the civilian population is the proliferation of light weapons and their illicit traffic. The suffering inflicted on the populations affected by the proliferation of light weapons, particularly in Africa, requires serious regulation of the traffic in these weapons. My delegation associates itself with international efforts to develop international standards to regulate the import, export and transfer of such weapons.

Stepping up efforts to prevent and resolve conflicts through peaceful means and to consolidate peace in countries emerging from conflict will make it possible to stem the risk of recurrence and thereby to limit the scope of internal displacement and the number of refugees and to guarantee civilians their rightful protection.

Host countries must lend their full support to the efforts of the international community in order to facilitate, in accordance with international practice, the unhindered repatriation of refugee populations and to register them in conditions of complete transparency. The lack of reliable and regularly updated information on these populations will promote confidence neither among donors who give aid and assistance to the refugees nor among the parties to conflicts who are engaged in dialogue to resolve them.

Furthermore, there is a close link between peacebuilding efforts and the return of displaced and refugee populations. When the priorities of security, justice and reconstruction and the first dividends of peace are visible and concrete, populations that have fled a war and its consequences will return to their countries in the hope that they will find dignity and protection.

In this regard, we commend the Peacebuilding Commission for having included in its integrated peacebuilding strategies for the countries on its agenda provisions for the protection of children, such as the release of children who have been involved in armed groups and their reintegration into their communities, as well as a gender approach that gives equal opportunity to men and women ex-combatants or refugees to regain their rightful place and role in society.

Towards this end, the prospect of receiving professional training, physical and mental rehabilitation services, and rapid-impact economic

projects will facilitate the reintegration of these populations.

In other words, the approach to the tragic consequences of conflict must be as preventive as it is reactive. It is vital to address the principal causes of armed conflict directly in order to prevent their re-emergence. This preventive approach must include sustainable development, poverty eradication, good governance and the promotion of democracy.

The President: I give the floor to the Permanent Representative of Uruguay.

Mr. Cancela (Uruguay) (*spoke in Spanish*): At the outset, I wish to thank the delegation of Turkey for having convened this very important debate. The delegation of Uruguay welcomes the report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277), presented this morning by the Under-Secretary-General for Humanitarian Affairs, Mr. John Holmes. The report constitutes an important input for advancing the discussion of this issue. Its issuance 10 years after this question was first considered by the Security Council raises expectations regarding not only the evaluation to be made about the progress made, but also concerning the core challenges that lie ahead.

In addition to being an ethical imperative that reflects the broad evolution of human consciousness towards ways of life whose core values are respect for life, integrity and human dignity, the protection of civilians also represents a legal imperative based on universally accepted rules of international humanitarian law. In the case of the protection carried out by the United Nations in the framework of a peacekeeping operation, these rules must include the consent of the host country and the existence of a Security Council resolution containing such a mandate.

Uruguay shares the view that, above and beyond humanitarian action, in order effectively to improve the protection of civilians this activity should be addressed through a comprehensive approach that also includes protection through peacekeeping, the promotion of the rule of law, political stability, disarmament, demobilization, reintegration, reconstruction and economic and social development.

Given time constraints, my delegation would like to take this opportunity to focus on two extremely sensitive aspects of this issue: the situation of the most vulnerable sectors of the civilian population in armed conflicts, such as women and children; and the protection of civilians through peacekeeping operations.

Once again, women and children are identified as vulnerable groups that require special protection. The attention given to this subject by various United Nations bodies, in particular in the General Assembly and the Security Council, has increased. Despite the considerable efforts made in this regard, a great deal of work remains to be done if we are to ensure the due protection that they are due.

It is imperative to ensure the inclusion of a cross-cutting gender perspective in all the work of the Organization, including in peacekeeping operations and in the field of humanitarian assistance. The number of cases of gender-based violence, including sexual violence, in situations of armed conflict is alarming.

Uruguay supports the increased priority being given to children affected by armed conflicts on the international agenda, and will continue to contribute to all efforts in this regard. We value the joint work of civil society with the entire United Nations system, including the Office of the Special Representative on Children and Armed Conflict, UNICEF child protection advisers and the staff of peacekeeping missions; to create sustainable child protection mechanisms.

We reiterate the need to pay greater attention to the reintegration of the victims of grave violations of their rights, in particular in cases of sexual abuse and exploitation. We believe that it is essential to tirelessly combat impunity for those responsible for violations in blatant contravention of international norms, especially against women and children. In that connection, we urge the Security Council to refer such cases to the International Criminal Court.

We are especially grateful for the report's annex concerning restrictions to access to humanitarian assistance. We agree that only safe, timely and unhindered access will make it possible to provide protection and assistance to those in need.

Any humanitarian response must be sustainable and take into account the development perspective. In that regard, it is essential to ensure the necessary building of capacities at the national level, in particular in cases in which constraints are due to the physical

environment. We regret that, in some cases, constraints are the result of Government policies or the practices of local actors who interfere with humanitarian operations. The reports of the Secretary-General must continue to request the facilitation of speedy and timely access for humanitarian assistance given the numerous obstacles that continue to be set up even in cases in which international humanitarian law requires such access.

Uruguay reiterates the urgent need to preserve and strengthen the norms of international humanitarian law in order to ensure the full implementation of the principles of humanity, neutrality, impartiality and independence. It is also crucial to facilitate access to humanitarian personal and ensure that they have the proper security conditions in which to carry out their tasks.

Enhancing protection by improving effectiveness and providing greater resources to peacekeeping operations is one of the five core challenges identified in the report of the Secretary-General, which stresses that the inclusion of protection activities in the mandates of peacekeeping missions, which began in 1999 with the United Nations Mission in Sierra Leone, is among the most significant of Security Council actions on this issue.

Uruguay acknowledges that the Council has played a pioneering role in the development of this concept, and especially in translating it into reality. Nevertheless, we take this opportunity to emphasize the importance of achieving the broadest possible support for this issue, in which the lives of innocent people and the credibility of the United Nations are at stake.

A wider base of support would not ensure greater legitimacy for and less resistance to these efforts, but would also produce a deeper commitment among all actors involved in implementation. For instance, it should not be forgotten that those responsible for implementing the civilian protection mandates of peacekeeping operations adopted by the Security Council are by and large troop-contributing countries from the developing world. Those countries have very limited opportunities to participate in or influence the process of developing those mandates.

In that connection, we believe that this is a good time to highlight the significant effort made by Member States in March when the Special Committee on Peacekeeping Operations decided to take up this issue for the first time. As we pointed out on that occasion and as various participants on the ground indicated at the workshop we co-hosted with Australia earlier this year, there is a need for clear guidelines that emanate from equally clear and realistic mandates, as well as for specialized training for those who must implement this complex task. Above all, there is a need for appropriate resources.

It is essential to ensure that certain conditions exist so that this effort can be carried out effectively and while protecting the physical and emotional integrity of those who undertake it. In that regard, there must be a close correlation between mandates and resources. Too often, civilian protection mandates do not include the necessary and appropriate human and material assets. It is therefore essential that those resources be sufficient to undertake this complex task successfully to the benefit of all.

Finally, the delegation of Uruguay looks forward to the joint report of the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs. We hope to be able to continue to participate constructively on the discussions on this issue.

The President: I now give the floor to the Permanent Representative of Kenya.

Mr. Muita (Kenya): I have the honour to participate in today's debate. At the outset, let me express my appreciation to you, Mr. President, for organizing this important debate. I also thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his comprehensive briefing this morning.

My delegation welcomes the Secretary-General's latest report (S/2009/277) on the protection of civilians in armed conflict. This year marks the tenth anniversary of the first consideration by the Security Council of the protection of civilians in armed conflict as a thematic issue. The Council's continued consideration of this agenda item, including its integration of protection concerns into peacekeeping mandates, indicates the Organization's commitment to protect civilians in conflict situations. It has also resulted in concrete proposals and decisions intended to improve the lives of countless men, women, girls and boys affected by the horrors and indignities of war

through increased efforts to fight impunity at the national and international levels.

While words have not matched actions on the ground, some achievements have nevertheless been realized in this area. Thy include increased engagement by the Council through the adoption of relevant resolutions — including resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1738 (2006) — on the protection of civilians, the adoption of the aide-memoire on the protection of civilians and the establishment of the Council Expert Group on the Protection of Civilians to mainstream protection into the Council's action and the prioritizing of civilian protection in peacekeeping mandates. Nevertheless, there some considerable challenges remain. I would like at this juncture to highlight a few of those that are of concern to Kenya.

First, with regard to civilian protection mandates, my delegation appreciates that the protection of civilians is currently mandated in a number of United Nations peacekeeping missions. However, it remains largely undefined as both a military task and as a mission's wider task. The Council therefore needs to provide clear guidelines that underline the importance of a comprehensive approach involving all components of a mission on how to deliver on the task. There is also a need to ensure that available capacity and resources are deployed for the task at hand and made available in a timely manner. It is also necessary to emphasize that peacekeeping missions should conduct this task without prejudice to the primary responsibility of host nations to protect civilians.

Secondly, with regard to humanitarian access, access during conflict is a fundamental prerequisite for life-saving assistance. It is therefore important to provide a secure environment in order for humanitarian workers to have access to civilians in need, including displaced persons. While current efforts to enhance the capacity of peacekeeping missions to provide protection to humanitarian providers are commendable, significant challenges remain at the operational level, where peacekeepers lack the capacity to reach the entire threatened population. There is, in this regard, urgent need to address and streamline this aspect to avert large-scale population displacements and widespread human rights violations.

Thirdly, sexual violence is no longer a simple by-product of armed conflict. It has turned into a tool of warfare aimed at dehumanizing and instilling fear in the civilian population in order to achieve political and military objectives. While the adoption of resolution 1820 (2008) against sexual and other forms of violence against civilians in conflict situations, in particular women and children, was a step in the right direction, a lot is still required to enhance its implementation. We need to move from words to deeds so as to ensure the protection of sexually vulnerable populations in armed conflict situations.

As I conclude, my delegation reaffirms Kenya's commitment to the protection of civilians in armed conflict and to guaranteeing their rights in accordance with the Charter of the United Nations. Together, we need to create a culture of protection in which Governments fulfil their responsibilities, armed groups respect the norms of international law and the private sector recognizes the impact of its commitments to countries in conflict.

Finally, Kenya urges this Council, the entire United Nations, Member States and regional and international organizations to act in a swift and decisive manner when civilians are threatened in armed conflicts.

The President: I give the floor to the representative of Afghanistan.

Mr. Ayoob (Afghanistan): It is an honour for me to participate in this debate. On behalf of the Afghan delegation, I would like to begin by congratulating you, Mr. President, on your assumption of the presidency of this Council and by thanking you for holding this meeting today, which is highly important for my delegation. I would also like to thank Under-Secretary-General John Holmes for his typically concise and insightful presentation this morning. Finally, I thank the Secretary-General for his thoughtful and comprehensive report and its annex on constraints on humanitarian access (S/2009/277).

The United Nations has brought serious attention to the plight of suffering civilians caught in the crossfire and established a comprehensive framework in the Security Council to deal with the protection of civilians in armed conflict. However, with the recent trend towards asymmetric conflicts and the tendency of non-State actors to use civilians as human shields or worse, this work is even more essential.

The Government of Afghanistan, with the assistance of our friends in the international community, is making good progress in providing Afghans with the opportunity for a better life, while the enemies of Afghanistan continue to bring more suffering to the civilians of that war-stricken nation, in particular its women and children.

As numerous United Nations reports have detailed, the Taliban and their local and international allies are showing an increasingly blatant disregard for human rights in Afghanistan. They rely increasingly on the use of improvised explosive devices detonated in high-density civilian areas, causing indiscriminate damage and loss of life and affecting predominantly women and children. The Taliban have stepped up their use of assassinations, school attacks, kidnappings and threats targeted against those accused of cooperation with the Government of Afghanistan or the international community. They continue to use civilians as human shields, milking accidental tragedy for their own propaganda.

The Taliban have two simple aims. First, they want to terrify our citizens and convince them that they are helpless and cannot trust the international community or their Government to protect them. Secondly, they seek to divide Afghans and the international community, weakening us both. We cannot and shall not let them succeed in either of their goals.

Unfortunately, in the course of our fight against terrorism, sometimes civilians have become victims of our actions as well, however unintentionally. Every civilian death hurts our cause. Every death undermines the faith of the people in their Government and weakens our most valuable asset in the rebuilding of Afghanistan: the Afghans themselves. The Afghan people rightly expect that efforts to fight terrorism would be part of a larger counter-terrorism effort rather than vice versa. Their security should be central.

The best hope for the Afghan people is the continuing support of the international community, and Afghans are more aware of this than anyone. We all understand the necessity of defeating the brutally violent and dark-minded elements who wage war on peace, stability and prosperity in our region and in the world. Our allies have sent their sons and daughters to fight on foreign land, and Afghanistan is profoundly grateful for that. Without the assistance of the international community and its military presence, our people would not have escaped the repression and brutality of the Taliban era and would not now have a better future in sight.

The safety of each person and the prevention of the deaths of innocent civilians are critically important to us, and the Government of Afghanistan has raised this issue repeatedly with our friends and allies. Afghans should be made to feel that their security, safety and dignity are the centrepiece of our fight against terrorism. We welcomed the recent reviews of this issue, and applaud the decisions of the United States and NATO to improve the rules of engagement in populated areas, minimize the use of air bombardment and make human security a priority in our strategy.

In addition, it is fundamentally important that the international community focus on and do more in terms of the professional training and better equipping of our growing Afghan National Army and Police forces, so that the Government of Afghanistan is able to take more — and eventually all — responsibility for the protection of its citizens. The main goal of the Afghan Government and our allies in fighting terrorism is to bring about a better future for the Afghan people. Therefore, while fighting their enemies, we must take every measure to protect them and ensure that they do not become victims of that conflict and that they have the opportunity to build their lives in safety and dignity.

The President: I give the floor to the representative of Sri Lanka.

Mr. Chandra (Sri Lanka): I join previous speakers in expressing appreciation to you, Mr. President, for convening today's open debate. I would also like to thank the Secretary-General for his report (S/2009/277).

The Secretary-General's report provides useful information and analysis for us, the Member States, to address the complex but essential issue of protecting civilians in armed conflict. As noted by the report itself, the protection task cannot be understood and addressed in humanitarian terms alone, as it requires focus and action on a multiplicity of different areas, ranging from politics to human rights to disarmament.

While the report correctly outlines a framework of core challenges in this field and notes that the

Council has reflected several of these complexities in some of its resolutions, albeit inconsistently, the report itself suffers from selectivity of language and situations in dealing with different countries. It must also be noted that the synthesis in the report cannot be looked at in isolation as a set of all-purpose guidelines that can be applied regardless of the circumstances.

The recent situation in my country, which is also referred to in the report with considerable factual inaccuracies in some places, was one where a terrorist group took a large number of civilians hostage and used them as a human shield. The children of those civilians were forcibly conscripted, suicide attacks were launched on civilians who exercised their legitimate right to seek protection by leaving the area of conflict, adults were used for forced labour and a large portion of the food and medicine delivered to those civilians by the Government and agencies including the United Nations were forcibly taken by this terrorist group. All appeals of the international community to the terrorists to release the civilians went unheeded.

In those circumstances, security forces had to facilitate the rescue of the civilians from the unsustainable hostage situation created by the terrorists and to bring an end to the conflict that would have otherwise prolonged the suffering. It is necessary, therefore, to recognize the extraordinary challenges and new situations that constantly confront elected Governments in dealing with such unrelenting groups and to find new ways to address those challenges from the lessons learned.

Our recent experience showed how non-State actors taking cover in civilian garb used schools and hospitals for terrorist operations in order to deceive the world by blurring the distinction between civilian and military targets. Non-State actors pay scant attention to international norms and standards and do not feel bound by any legal framework. The country, the region and the international community have recognized and acknowledged that by bringing the conflict in Sri Lanka to an end, further loss of lives and prolongation of suffering have been prevented for our people.

As in most conflicts — especially those involving a ruthless and unrelenting terrorist group such as the Liberation Tigers of Tamil Eelam (LTTE) — the ending of the conflict inevitably had its cost in terms of loss of life, property and national wealth. But the Government is gratified that, due to the professionalism and sacrifices of the soldiers, there was no cataclysmic scenario, as some had predicted. We need to recognize that this effort by the security forces succeeded in bringing to safety hundreds of thousands of civilians from a terrible hostage situation and a human shield created by that terror group, the LTTE.

Member States also need to address the causes of the escalation of armed conflict. The proliferation of illicit arms has contributed to the spread of violence and terrorism everywhere. Unless we are able to stop such proliferation, as agreed in Council resolution 1612 (2005), civilian safety will remain at stake and our best efforts to deal with the humanitarian consequences of conflicts will soon exceed existing capacities and available resources. While measures can be imposed, albeit selectively, on States legitimately engaged in protecting their civilian population from terrorists, non-State actors such as terrorist groups, on the other hand, can have relatively easy access to illicit weapons. This is because there is no dedicated international regime to conduct surveillance, let alone interdict such illicit arms trafficking.

On the other hand, external actors such as diaspora communities openly fund arms purchases aimed at destabilizing States, while receiving support and protection in their host countries; and their criminal agents cross international boundaries at will, unchecked. The smuggling of arms in international waters and across boundaries continues rendering regimes such as Council resolution 1373 (2001), rather ineffective in this area.

There is also a need to recognize the legitimate role of the military in civilian protection, although we can agree that it is not an exclusive role. It is noteworthy that protective responsibilities are part of the mandate of United Nations peacekeeping forces, and their valuable contribution in that regard has been noted.

The role of Governments in civilian protection should be respected, as it is their primary responsibility to protect their own citizens, especially in times of armed conflict. United Nations and other humanitarian agencies must support and assist Governments and in doing so be sensitive to ground realities including respect for the sovereignty of States. The principle of unimpeded access for humanitarian personnel must be respected, but one cannot disregard the State's

responsibility to ensure the safety and security of humanitarian personnel, as terrorists do not distinguish between military and humanitarian personnel in their attacks.

It must never be overlooked that the military, often at huge cost to its personnel, must brave the dangers of suicide terrorism to bring civilians out of harm's way. Therefore, military and humanitarian personnel must seek to work in partnership, and their responsibilities towards civilians must be addressed through regular dialogue and consultation in places where civilian protection is at stake.

Therefore, we should look at measures to build the capacity of military personnel and peacekeeping forces to deal with civilian protection activities. This becomes particularly pertinent given that we are dealing increasingly with internal conflicts.

Another inevitable consequence of armed conflict is internal displacement. The Secretary-General's report brings out the concern that internal displacement is on the rise globally. Council resolution 1674 (2006) addresses this issue. Internal displacement poses several challenges. Key among them is that armed groups use displacement to exploit civilian populations, sometimes by masquerading among them. In that context, civilians have a right to be protected, and the State has the primary responsibility not only to provide for the welfare of displaced civilians in terms of food, clothing, medical care and shelter, but also to ensure their safety and to take necessary measures in that regard.

Unfortunately, these ground realities are not understood or considered by those who look at civilian protection in isolation and who apply generalizations regardless of the specific circumstances. That would also apply to resettlement, where, in some situations, uncharted mine fields laid by armed groups, unexploded ordnance and booby traps have to be cleared — quite apart from the reconstruction activities that create conditions conducive to resettlement in secure surroundings.

The cost of armed conflict for civilians is a matter of concern to all democratic and elected Governments. Quite often, and quite naturally, the focus on civilian casualties is centred on the loss of life and property damage caused in military operations, while insufficient consideration is given to the thousands of lives lost in suicide attacks on civilian targets by non-State actors.

In my country, over a period of 26 years, many lives were senselessly lost due to suicide terrorist attacks on our Central Bank, the central bus station, passenger trains and other public places. From the standpoint of civilian protection efforts, efforts to end prolonged conflicts which have resulted in massive casualty tolls and where so many lives could be saved should be recognized as a priority. It is agreed that more attention needs to be paid to the issue of making armed groups compliant. In this regard, our Government would welcome more openness on the part of United Nations agencies with regard to sharing outcomes from the monitoring of compliance by armed groups to ensure that appropriate measures are taken by the Government to protect civilians from armed groups.

However, United Nations agencies seeking compliance by concluding instruments with non-State armed groups should do so with the concurrence of Governments and be cautious of terrorist groups seeking legitimacy. Censure of armed groups should not be confined to rhetoric. Experience tells us that the measures suggested to engage such terrorist groups are less effective than targeted measures, taken bilaterally, that compel the key diaspora figures of such groups to move away from promoting and funding extremism. It is also agreed that more in-depth consideration of this issue is needed. However, it would not be useful to conduct such a discussion in limited forums without involving the larger membership, given the geographic spread of such groups and their networking in the diaspora.

My delegation hopes that the Council's debate on protection of civilians will facilitate practical decisions based on realities on the ground. The challenges facing us are primarily of a practical nature, requiring more international cooperation and greater coordination between the United Nations bodies and Member States. It is for this reason that my delegation has sought to share our experience and for all of us to invest greater efforts in preventing conflicts and their recurrence and to respond practically and proportionately to situations affecting civilian populations.

For Sri Lanka, one of the longest-standing democracies in our subregion, this period was also extremely difficult and, in a way, defining. We

appreciate the Council's concerns because they are also our shared concerns. We have endeavoured to cooperate constructively with the Secretary-General and the Council without being divisive or confrontational while the Government dealt with the complex challenge of countering a ruthless terrorist group that shunned and sabotaged all genuine attempts at negotiations for over 25 years and brought harm and suffering to the very people whom it said it was seeking to represent. On Sri Lanka's part, the Government reiterates that the framework which the Secretary-General and President of Sri Lanka agreed upon in their joint statement would be the basis on which we will continue to cooperate with the United Nations in the post-conflict period as we look forward to the priority tasks of rehabilitation, reconstruction, reconciliation and launching the political process.

In conclusion, we would like to acknowledge the valuable contribution of the United Nations agencies, particularly the Office for the Coordination of Humanitarian Affairs, and other national and international partners in providing support and assistance to the Government's efforts towards the relief, rehabilitation and resettlement of the affected civilians.

The President: I give the floor to the representative of Indonesia.

Mr. Natalegawa (Indonesia): I should like to begin by thanking you, Sir, for organizing this meeting, and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, for his statement.

Notwithstanding the pronounced focus on the issue of the protection of civilians in armed conflict over the past decade, the deplorable fact remains that civilians continue to fall victim to violence. Persistent violations include the deliberate targeting of civilians, the indiscriminate and excessive use of force, and sexual and gender-based violence in violation of international law, human rights law and refugee law. Indeed, in many instances we have witnessed attacks on relief workers, humanitarian aid convoys and others engaging in humanitarian assistance to civilians suffering the effects of war.

Indonesia has been and will continue to be firmly committed to addressing the impact of armed conflict on civilians. We are cognizant of the five core challenges to their protection identified in the Secretary-General's report (S/2009/277). We concur that the failure of parties to comply fully with their obligation to protect civilians in armed conflict is key. In this respect, all parties to armed conflicts should adhere to relevant international law, including the 1994 Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol.

We value the Security Council's efforts, consistent with its Charter-mandated responsibilities, in protecting civilians in armed conflict, which merit the wide support of regional and international actors alike. At the same time, it is worth underscoring that the best protection from armed conflict is its prevention and resolution. The Council should spare no effort in this area.

By the same token, the Security Council should lend its full support to the efforts of regional organizations in addressing dire humanitarian situations. A culture of protection must continually be promoted through regional and international organizations. This would sustain attention on the issue and promote concrete action by the various actors.

It is Indonesia's view that that there are at least three key prerequisites with regard to this crucial issue. First, respect for humanitarian principles needs to be continuously maintained. The rapid and unimpeded access of humanitarian personnel should be ensured, consistent with international humanitarian law. Likewise, humanitarian personnel are subject to the principles of humanity, neutrality, impartiality, independence, and respect for the sovereignty, territorial integrity and national unity of States. Secondly, in the conduct of hostilities, parties should do everything feasible to protect civilians and civilian objects. Thirdly, examples of good practices should also be noted and, where feasible, implemented to ensure that populations in urgent need enjoy consistent assistance.

Finally, let me reiterate that all efforts to protect civilians in armed conflict must be founded on the tenets of human rights, security and development — the three pillars of the United Nations. These three principles should be reflected in the next report in commemoration of the tenth anniversary this coming November. The tenth anniversary should also serve to maintain the momentum by strengthening the United Nations system's capacity to work in a coordinated, coherent, comprehensive and cooperative manner with

Member States and other stakeholders. An approach that includes development and humanitarian dimensions is required, and must be supported by the political will of States to ensure that civilians are protected in times of armed conflict and in times of peace.

The President: I now give the floor to the representative of Georgia.

Mr. Lomaia (Georgia): The protection of civilians in armed conflicts is among the priorities of the Human Security Network, and I would like to thank the Turkish presidency for the organization of this important debate. In recent years, the international community has kept the issue firmly on its agenda.

The delegation of Georgia fully associates itself with the statement made by the Czech presidency of the European Union.

Last year, the citizens of my country suffered a massive foreign military invasion, followed by the occupation of up to 20 per cent of our territory. This war took the lives of 600 citizens of Georgia, most of them civilians. Over 130,000 were forced from their homes in a move that was branded as ethnic cleansing by a major European intergovernmental body. Satellite images obtained by the Operational Satellite Applications Programme of the United Nations Institute for Training and Research confirm the deliberate and targeted destruction of dozens of villages inside the territory occupied by regular Russian forces and proxy militia.

For many of my displaced compatriots, the horror of ethnic cleansing continues as we speak. As a matter of policy, tens of thousands of them are being prevented from returning to their homes or what is left of their homes in the occupied territories. As Mr. Walter Kalïn, the Representative of the Secretary-General on the human rights of internally displaced persons, puts it in his report: "An estimated 37,600 ... will not be able to return in the foreseeable future" (A/HRC/10/13/Add.2, para. 58). This policy represents a third wave of ethnic cleansing, with the first two carried out in another occupied Georgian province, Abkhazia, where 400,000 citizens of the pre-war population of 550,000 were either killed or expelled — including, most recently, 3,000 men and women in the past year.

We take note of the report of the Secretary-General on the issue. Here, I would like to draw the Council's attention to the issue of the humanitarian blockade of the occupied territories, and to provide an update on the situation on the ground. It is a fact that the Russian occupying forces have been completely blocking access of humanitarian aid to the occupied territories, requiring humanitarian missions to enter the Tskhinvali region of South Ossetia exclusively via Russian territory. This policy represents yet another breach of the principles of international humanitarian law, as well as of paragraph 3 of the European Union-brokered ceasefire agreement. A number of international organizations have protested against that policy. The blockade turns the occupied territories into a black hole where people are deprived of their basic rights and humanitarian aid is simply not allowed.

No one will be surprised to learn that it is with the same lack of constructiveness that Russia has refused even to consider a compromise solution to the problem that envisaged allowing double and simultaneous access to the territories from both the northern and southern directions. It should be reiterated that the Government of Georgia, as well as the entire international community, regrets the termination of the activities of the United Nations Observation Mission in Georgia (UNOMIG), due to the single — I emphasize single — Russian vote cast against it. This constitutes a clear violation of paragraph 4 of resolution 1866 (2009), which calls for "facilitating, and refraining from placing any impediment to, humanitarian assistance".

The termination of UNOMIG's mandate was meant to reduce the level of protection for human rights in occupied Abkhazia. It is also aimed at creating yet another obstacle to the safe and dignified return of internally displaced persons and refugees to their homes, in contravention of a number of resolutions of this Council and the General Assembly. We are convinced that to better address these needs, we have to substantially enhance the presence of the relevant United Nations agencies — such as the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs and the United Nations Development Programme, among others — inside the occupied territories of Abkhazia and the Tskhinvali region of South Ossetia.

My Government joins the call to take this opportunity to reinvigorate our joint commitment to

making the protection of civilians a reality for all those caught up in conflict.

The President: I now give the floor to the Permanent Representative of Guatemala.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): We are pleased to take part in this debate under your presidency, Sir, on the protection of civilians in armed conflict. This issue is of extreme importance not only for the Security Council but for the United Nations system as a whole. My delegation welcomes the valuable report of the Secretary-General (S/2009/277), as well as the briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, containing information and concrete proposals to enhance the United Nations collective capacity to protect civilians in armed conflict, a vulnerable group that merits our immediate attention.

While noting the conclusions and key proposals identified in the report of the Secretary-General, my delegation wishes to comment on their eventual application and importance. Ten years have passed since the first debate in the Security Council on the protection of civilians. While there is no doubt as to the importance of all the reports, resolutions and actions of the past decade, the report of the Secretary-General reveals that the situation confronting civilians in current conflicts is depressingly similar to that which prevailed in 1999. Civilians still account for the vast majority of casualties and continue to be targeted and subject to indiscriminate attacks and other violations by parties to conflicts. Any progress will therefore remain relative if it is not accompanied by substantial improvement in the protection of civilians on the ground.

With regard to the five core challenges outlined by the Secretary-General, given the need for determined action within and beyond the United Nations to enhance the protection of civilians, we wish to be a part of the proposed culture of protection. In that regard, we offer our firm support for the reinvigorated commitment noted by the Secretary-General and wish to make the following specific observations.

First, regarding compliance with international law, our efforts should not be limited to ensuring respect for existing norms, but should also be aimed at strengthening them. The inability of the parties to a conflict to respect international law applicable to armed conflict exposes civilians to the harshest effects of hostilities.

Secondly, in order to promote compliance by non-State armed groups, we must engage in outreach aimed at sensitizing such groups, as well as civil society, to the importance of maintaining the strictest respect for civilians, international humanitarian law, human rights and refugees.

Thirdly, enhanced protection of civilians will depend on a broad scope of action by the Security Council. We support a multidimensional approach, addressing all aspects of the protection of civilians through thematic and country-specific and group-specific considerations. The effectiveness of protection will also depend on other external factors, some of which we have the power to affect, such as the allocation of adequate resources, the number of personnel on the ground, and the logistical and tactical capacity-building.

Fourthly, access to humanitarian assistance, while not recognized as an obligation under international law, is undoubtedly a fundamental prerequisite for humanitarian action. We are concerned by the reversals experienced in this area in recent years. We welcome the annex to the report of the Secretary-General, which contains an analysis of the restrictions to access, and hope that its recommendations will soon become concrete measures.

Fifthly, with regard to accountability for violations, we must remember that the Security Council is not a legal, but a political body, entrusted with the maintenance of international peace and security. Therefore, we must turn to international cooperation and mutual assistance in criminal matters, as the report proposes, through measures directed at States.

To conclude, in view of what I have said, allow me to mention one subject that cannot be omitted from our debate today and is of particular relevance in meeting the previously mentioned challenges. Our delegation is among those that consider paragraphs 138 and 139 of the 2005 World Summit Outcome (General Assembly resolution 60/1) to be one of the most important achievements of that meeting. The development of the doctrine of humanitarian law in the past years marks, in our opinion, an important step forward. The primary responsibility to protect civilians falls on States, and they, in turn, are obliged to seek

international help when they cannot provide it. In the coming years, both the General Assembly and the Security Council will have a very prominent role to play to make that concept operational; this offers an opportunity to continue improving the United Nations assistance framework.

We must collectively ensure that populations at risk have access to the best possible protection at all times. The Security Council and the entire international community will be judged by their capacity to protect the most vulnerable. That is a challenge to which we must immediately respond.

The President: I now give the floor to the representative of Norway.

Mrs. Juul (Norway): Norway welcomes the report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277), and especially the recommendations on improving humanitarian access, upholding humanitarian law, the safety of humanitarian workers and holding violators of international humanitarian law accountable. A key issue ahead will be how to translate the recommendations of that report into decisions by the Council and, ultimately, into results on the ground.

Norway also looks forward to the independent study on protection mandates for peacekeeping operations, to be presented shortly by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations. We expect that the study will provide concrete guidelines on protection that can quickly be effectuated in the field. Here Member States — and not only troop-contributing countries — should pull together to provide the necessary systematic training, based on the forthcoming guidelines on protection.

Norway would like to take this opportunity to focus on two main issues, namely the need for increased respect for international humanitarian law and the need to effectively combat sexual violence and rape in armed conflict. The many violations of humanitarian law that we have seen in the past few years, in particular with regard to the protection of civilians in armed conflict, is a cause for grave concern. The targeting of civilians has serious humanitarian consequences and represents a threat to peace and security. There is an urgent need to strengthen respect for international humanitarian law in order to improve the protection of civilians in armed conflict.

A key concern is to secure humanitarian access to those in need of assistance. We also need to ensure that those who violate international humanitarian law are held accountable. There is a need to strengthen the obligations of States and non-State actors with regard to international humanitarian law. Promoting respect for international humanitarian law requires engaging also non-State actors. We welcome the proposal by the Secretary-General to hold an Arria formula meeting to discuss the experiences of the United Nations and non-Governmental actors in engaging armed groups.

Women and children are often forced to bear the heaviest burden when it comes to the consequences of armed conflict. Sexual violence and rape occur every single day in armed conflicts and have tragic consequences not only for the individual, but for the whole community. Sexual violence leaves lasting scars for many generations to come, making peacebuilding extremely difficult. It is crucial that these acts not be viewed as separate, individual crimes. In many cases, they are calculated tactics of war and should be treated as such. Crimes of rape and sexual violence in armed conflict must be placed higher on the international agenda. The systematic use of rape has rightly been recognized as a war crime both by the Council and by the International Criminal Court.

An important step towards preventing sexual violence in conflict was taken in June last year, when the Security Council adopted resolution 1820 (2008), on women, and peace and security and sexual violence in situations of armed conflict. The Security Council recognized sexual violence as a security problem — a problem that requires a systematic security response. We are satisfied that the adoption of resolution 1820 (2008) has ended the debate on whether or not sexual violence belongs on the Security Council agenda. We look forward to the Secretary-General's report on the implementation of resolution 1820 (2008). We expect the recommendations to be forceful and comprehensive, resulting in a strong response from the Council.

Norway would also like to see the Security Council make use of the most effective measures at its disposal, including targeted sanctions, to make it clear that sexual violence is unacceptable and that perpetrators will be held accountable. It is

unacceptable that impunity for these extremely severe crimes seems to be the rule, not the exception. Norway supports the referral of such crimes to the International Criminal Court and consideration of sanctions against Member States, as well as non-State actors, that perpetrate these criminal acts. It is also our obligation as Member States to ensure that violators are brought to justice. It is our duty to ensure that the whole United Nations family — funds and programmes and peacekeeping missions — strengthen its focus and allocate resources in order to protect women and girls.

The protection of civilians is a comprehensive issue that requires comprehensive analysis and a concerted international response. That implies improving respect for international humanitarian law. It also implies providing United Nations peacekeeping operations with strong mandates, as well as the resources required to fulfil those mandates. Combating impunity and holding perpetrators accountable are key to protecting civilians in armed conflict and ending sexual violence.

The President: I now give the floor to the representative of Republic of Korea.

Mr. Park In-kook (Republic of Korea): My delegation shares the deep concerns over systematic, flagrant and widespread violations of international humanitarian and international human rights law. In that regard, we fully support the continued attention of the Security Council to that issue.

Indeed, the Security Council has made good normative progress on that issue over the past 10 years. Now, it is time to raise the urgency to translate that normative progress into concrete implementation on the ground. We therefore welcome and concur with the five core challenges identified and the recommendations made in the Secretary-General's report (S/2009/277) to address that urgency. Hoping that those challenges and recommendations will serve as a good basis to further our endeavour to translate normative discussion into action, I would like to highlight the following points.

First, no violators of international humanitarian law should go unpunished. As the Security Council reaffirms in resolution 1674 (2006), ending impunity is essential. When it is clearly established that there is no escape for a violator, compliance with international humanitarian law and international human rights law will be accordingly enhanced. Such law is respected and complied with when the consequences of egregious violations are clear. As stated in the latest presidential statement on protection of civilians in armed conflict (S/PRST/2009/1), protection of civilians is the primary responsibility of the parties to the armed conflict. In this regard, we fully endorse the Secretary-General's emphasis on accountability for those who commit mass atrocities, as well as the responsibility of States to prosecute those suspected of genocide, crimes against humanity and war crimes. Recognizing the responsibility of States, my delegation also wants to emphasize that the role of the International Criminal Court should be respected in upholding the concept of "no impunity" when there is clear evidence of inability or unwillingness by States to prosecute criminals.

Secondly, the proliferation and fragmentation of non-State armed groups deserves special attention. As traditional States see little profit in war in the globalized world and thus try to avoid war, the intra-State wars that involve non-State armed groups have increased drastically. Usually, these intra-State wars are based on ethnic, religious and cultural differences, which often give rise to genocide and atrocities against civilians.

Thirdly, sexual violence against women and girls in armed conflicts is one of the most horrible forms of violence against civilians and must be stopped. Women and girls are the most vulnerable, and sexual violence has a devastating and corrosive effect on society as a whole. The unanimous adoption of resolution 1820 (2008) was very encouraging, but considering that horrific sexual violence against women continues to be committed in many conflict situations, we need to strengthen our efforts to protect women and girls in conflict areas.

Finally, timely, safe and unhindered humanitarian access is a cardinal rule and should always be ensured. My delegation fully agrees with the findings and suggestions of the Secretary-General on this issue. As the source of lifesaving activities, the humanitarian response should be driven exclusively by the humanitarian needs of the affected populations, irrespective of any political grounds. Preventing access will only increase unnecessary casualties involving civilians, and States and non-State actors that employ accession prevention as a tactic should be held responsible. I look forward to further discussions at the Security Council on the Secretary-General's suggestions with a view to their full implementation.

My delegation appreciates the continuing efforts of the Security Council to protect civilians in armed conflict and has been rendering its full support. The Republic of Korea also believes that these efforts to protect civilians should be an integral part of all United Nations peacekeeping missions, and we welcomed resolution 1674 (2006), in which the Council stated its intention to include clear guidelines on civilian protection in the peacekeeping operations mandates. We expect the continued efforts of the Council to define and elaborate protection mandates, strategies and plans of action.

The President: I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Mr. President, may I congratulate you on your fine work as President of the Security Council this month. I welcome the initiative that enables us to discuss this very important issue, namely the protection of civilians in armed conflicts.

Armed conflicts are characterized by their changing nature, which involves a multiplicity of factors, requiring, in turn, an integral approach. The parties involved, the Security Council, the General Assembly, the Economic and Social Council and the Human Rights Council, as well as other organs of the system within their respective fields of competence, must develop prevention strategies to safeguard peace and protect civilians, dealing with the underlying causes of armed conflicts: poverty, external intervention by international corporations, desire for domination on the part of some countries, and so forth.

Our State has had the responsibility of protecting civilians displaced by the internal conflict being experienced by our Colombian neighbours and have received them as brothers and sisters and as though they were citizens of our country. These are civilians who flee from their lands and their homes to escape the internal war. Many of them settle in our country, and we welcome them and integrate them into our society. Other displaced persons return to their homes in Colombia when they see the opportunity for a fresh start. In these circumstances, they have been treated in strict compliance with humanitarian law and in keeping with our constitutional responsibility to respect human rights.

Nonetheless, that has not been the fate of other peoples in the world, and here I must refer to the specific case of the long-suffering people of Palestine. The illegal occupation of Gaza by the Government of Israel towards the end of 2008 and in early 2009 gave rise to the criminal imposition of a curfew on the civilian population, which still persists. On that occasion, over 1,300 Palestinian children and women were killed and 5,300 were wounded or mutilated for life by these undesirable practices. This situation must not go unpunished. Otherwise, some countries waging war would be encouraged to engage in the perverse practice of targeting civilians and the people for military attacks. Practices such as these must be the subject of the most rigorous consideration by this body, fully backed by the General Assembly, and the necessary legal measures to avoid more civilian lives being lost because of the impunity syndrome must be taken.

Wrongful practices against civilians also include the detention of children, adolescents and women in military conflicts for the alleged purpose of obtaining information about the conflict and its protagonists, a situation that is in clear violation of the human rights of civilians. Another practice consists in attacking humanitarian missions, such as the Red Cross and the Red Crescent and United Nations peacekeeping operations, as we have seen in Gaza in recent months, with the destruction of infrastructure for public services, housing, schools and United Nations buildings where staff of this Organization who were on a humanitarian mission lost their lives.

The Government of the Bolivarian Republic of Venezuela reiterates that the primary responsibility for the protection of civilians in armed conflicts resides with States, and that the international community can play a constructive role in support of national efforts, always with respect for the sovereignty and territorial integrity of States.

We also view with concern the attempts of some States to interpret as they see fit the concept of responsibility to protect contained in paragraph 139 of the Final Document of 2005 World Summit. Some countries have groundlessly tried to affirm that this concept is a norm that can be implemented without the required discussions, but we believe that the General Assembly must discuss this concept and provide it with a consensus interpretation.

Finally, Venezuela would like to reiterate its commitment to peace and its readiness to debate in the

General Assembly all measures to effectively protect civilians in armed conflict. We are convinced that it is in that body that we can achieve the genuine political commitment of States in the implementation of the norms of international humanitarian law and human rights on behalf of civilian populations affected by such conflicts.

The President: I now give the floor to Mrs. Alice Mungwa, Senior Political Affairs Adviser at the Office of the Permanent Observer of the African Union to the United Nations.

Mrs. Mungwa: Allow me to join previous speakers in commending you, Mr. President, for organizing this important debate, as well as to convey to you the apologies of my Ambassador. She is away from New York today to attend meetings for the upcoming Assembly of the African Union in Sirte, Libya. We would also like to join previous speakers in thanking the Secretary-General for his report (S/2009/277). We also thank Under-Secretary-General Holmes for his introduction of the report this morning and for all the efforts he is making in order to promote the protection of civilians in situations of armed conflict, which is a particularly relevant issue for Africa.

The protection of civilians — in particular of women, children, the elderly and persons with disabilities — during a situation of conflict is a basic foundation of African culture, which is also synonymous with international humanitarian law. Indeed, barely three years into its existence, the former Organization of African Unity enacted the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. In the same vein, since its inception in 2002, the African Union, in seeking to foster the protection of civilians in situations of armed conflict in the continent, has established major policy frameworks and institutions.

Indeed, article 4(h) of the Constitutive Act of the African Union further conveys a mandate on the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances — namely, war crimes, genocide and crimes against humanity — in order to protect civilians. Furthermore, the provisions of institutions comprising the African Peace and Security Architecture — notably the Peace and Security Council, the African Stand-by Force, the Panel of the Wise and the African Continental Early Warning System — also include important elements pertaining to the protection of civilians in situations of armed conflict. The African Union's Post-Conflict Reconstruction and Development framework further sets out principles for comprehensive post-conflict recovery, rehabilitation and reconciliation in three phases and six major pillars.

The adoption of that legal framework demonstrates the commitment of African States to fully play their role in efforts to protect civilians in situations of armed conflict. Various frameworks have been established aimed at their implementation. We continue to call on the Security Council to continue to lend its support for the implementation of those frameworks, which include, in particular, the office of the special representative of the African Union for the protection of civilians in armed conflict, which advocates with both State and non-State actors at the highest level in respect of international humanitarian law and the protection of civilians in situations of armed conflict. African Union leaders also maintain a vigorous system of special envoys and representatives who work closely with member States to conduct early preventive diplomacy and other good offices to help prevent conflict and to de-escalate tensions, working closely with other international partners.

Overall, following the efforts of the African Union to promote peace and security and democratic governance around the continent with the support of the Security Council, we believe that there is renewed confidence and hope among millions of civilians who are affected by conflicts in Africa that those efforts will significantly improve their situation as the Security Council continues to focus on this particular issue.

The African Union is also pursuing other activities and thematic questions that we believe will contribute to the protection of civilians in situations of armed conflict as well. Those include the whole question of security-sector reform and the promotion of a human security approach that also seeks to enhance efforts aimed at addressing the root causes of conflict.

We are pleased with the emphasis that has been placed on the protection of women and children in the debate today, because that is also one area where the African Union has placed special emphasis, as demonstrated by the adoption of three major policy instruments since 2002. They include the Protocol to the African Charter on Human and Peoples' Rights on

the Rights of Women in Africa, the African Union Solemn Declaration on Gender Equality in Africa and the gender policy of the African Union, which was recently adopted. Special emphasis has also been placed on the protection of youth, who are often vulnerable to non-State actors who perpetrate serious attacks against civilians in situations of armed conflict.

Other components of the African Union are also focusing on helping to understand attacks against civilians in situations of armed conflict. In that regard, the Pan-African Parliament and the Economic and Social Council of the African Union are also working with non-State actors to conduct fact-finding missions, lend their support for an increased voice for women in peace talks and provide technical support to various peace-support initiatives of the African Union.

However, as has been mentioned by many previous speakers in today's debate, despite the progress achieved in establishing necessary instruments — those I just described as well as those that have been adopted by the Security Council — there have certainly been serious gaps in implementation in the field. Just to take one example, for the past 10 years, during which the Security Council has debated the protection of civilians in situations of armed conflict, extensive violence and death have been visited upon innocent civilians in Somalia. We would therefore like to take this opportunity to once again thank the Council and the international community for the efforts deployed so far, as well as to restate the appeal of the Transitional Federal Government of Somalia, the African Union and other international partners for the Security Council to take necessary measures concerning the situation in Somalia in particular. We also call on the Council to lend its support to the efforts of the African Union as it continues to try to prevent the escalation of the situation in Somalia. We are grateful for the progress that has been made in connection with the support package approved by the Council for the African Union Mission in Somalia.

The international community must also not lose sight of the up to 20 million internally displaced people in Africa, most of whom have been in that situation for several years, or even decades in some situations. In that connection, the African Union is also continuing to do its part and is in the process of establishing a new instrument devoted to addressing the question of internally displaced persons in order to strengthen applicable norms of international humanitarian law, which have been the only recourse for internally displaced persons around the continent.

The importance of prevention and early conflict-resolution has also been emphasized and widely supported in the debate today. We believe they form the best strategy to avert the tragedies faced by civilians in situations of armed conflict. The African Union, working closely with the United Nations and the international community, continues to initiate and participate in diplomatic initiatives to avert the outbreak of conflict.

The protection of civilians in situations of armed conflict is clearly a complex process. That underscores the need to forge partnerships involving all relevant actors, including Governments, humanitarian organizations, civil society, the military in certain situations, the private sector, the donor community and affected populations themselves. We believe that, for this to be effective, this partnership should be designed to support and complement national efforts and initiatives, which are responsive and adapted to the realities on the ground. Each actor should be engaged based on what it can do best and focusing on its comparative advantages in relation to the others.

We feel fortunate that this debate is taking place at a time when the Security Council is discussing the question of the mobilization of resources and the support of peace support operations by regional organizations such as the African Union. It is indeed our sincere hope that this debate will strengthen the resolve of the Security Council to enhance the mandates and capabilities of peacekeeping operations, in particular those that are related to the protection of civilians, and to enhance support for the peace efforts of regional organizations such as the African Union.

Finally, we also wish to reiterate the importance of addressing the crucial question of the illegal circulation of small arms and lights weapons, which often fall into the hands of non-State actors, who use them to perpetrate attacks against civilians in situations of armed conflict.

With these few remarks, Sir, we thank you so much for giving us the opportunity to participate in this meeting, and we certainly look forward to working on the implementation of the recommendations outlined in the report of the Secretary-General.

The President: The representative of the Russian Federation has asked for the floor to make a further statement. I give him the floor.

Mr. Zheglov (Russian Federation) (*spoke in Russian*): I am forced to take the floor in connection with a number of statements made by the distinguished representative of Georgia. I would like once again to point out to the Council that it was in fact Georgia that in August 2008 unleashed an attack against South Ossetia, which resulted in a humanitarian catastrophe for the entire people and mass human rights violations. During the night of 8 August 2008, the Georgian army, trained and well-armed from abroad, attacked the sleeping city of Tskhinvali. In spite of agreements that had been signed, the norms of international law and the dictates of human morality, the armed forces of Georgia struck at civilians and shot at peacekeepers.

Operation Clear Field, which had as its goal the physical destruction and ousting of Ossetians from the land of their ancestors, was a continuation of the policy of Tbilisi towards the Ossetian people which began in 1991. In August 2008, the implementation of this policy spilled over into ethnic cleansing and crimes against humanity.

The basic outcome of this adventure on the part of Saakashvili is well known: hundreds of people were killed and wounded, and tens of thousands became refugees and internally displaced persons. There is evidence of the fact that the Georgian military deliberately targeted civilians on the streets of the city and refugees on the road to Zarsk.

One of the harshest results of Georgian aggression against South Ossetia was the mass exodus of the inhabitants of the Republic. The Georgian people themselves were victims of Saakashvili's policy. Citizens of that country and non-citizens alike did not wish to return to their homes, fearing persecution and repression from the Georgian authorities and extremist elements. As a result, approximately 2,000 inhabitants of Georgia appealed to be officially recognized by the Russian Federation as refugees.

It is absolutely false to assert that the Russian Federation is occupying the territory of Georgia. The legal basis for introducing Russian troops into the territory of South Ossetia was Article 51 of the United Nations Charter, on the right to self-defence, about which, in accordance with the established procedure, the Security Council was informed.

We cannot agree with allegations to the effect that there are restrictions on humanitarian access to South Ossetia. It has been demonstrated in practice that, for those institutions that truly wish to help South Ossetia, access is open. Against this background, we can see that it is the Georgian leadership that is trying to hinder international humanitarian assistance to South Ossetia in carrying out recovery work. To that end, the Georgian law on the so-called occupied territories, which is referred to in the report of the Secretary-General (S/2009/277, annex, para. 12), is being invoked.

The crimes of the Georgian army in South Ossetia should be properly assessed, including from the standpoint of international law. First and foremost, there is the responsibility of the Georgian leadership, which took military action against civilians in the country and committed, over a period of almost two decades, many acts that can be classified as international crimes.

At the current time, the situation in the so-called buffer zones is becoming more tense as a result of the build-up there of Georgia's armed forces, something that may lead to new hotbeds of tension on the borders between South Ossetia and Abkhazia.

In conclusion, I would mention that the Russian and Georgian peoples, historically, have always had warm and fraternal relations, and we are certain that this will continue in the future. The conflict unleashed by Saakashvili is an example of civilians' interests being held hostage by political adventures.

The President: I now give the floor to Mr. John Holmes to respond to the comments made.

Mr. Holmes: I have listened carefully to all of today's debate, and I welcome the clear commitment to the protection of civilians agenda shown both by the number of speakers and their obvious commitment in their comments to this issue. I also welcome the recognition by virtually all speakers of the need to do much more to ensure that our words and actions make a tangible difference on the ground for civilians affected by armed conflict.

I am heartened by the support expressed for many of the recommendations in the Secretary-General's report and for the continued activities of the informal Expert Group, and by the comments on the value of the revised aide-mémoire and the importance of the future

report by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations on the protection of civilians in peacekeeping mandates.

Given the lateness of the hour, I will not try to respond to all the detailed points that have been made by individual delegations, but let me comment on one or two points of particular significance.

Some speakers raised concerns over the inclusion of certain situations in the report of the Secretary-General and therefore their characterization as situations of armed conflict, explaining that they should be seen rather as law enforcement or counter-terrorism operations. Whether a situation constitutes an armed conflict is in fact determined by the facts on the ground on the basis of criteria developed in the jurisprudence of international tribunals, notably the involvement of organized parties fighting one another and the intensity and duration of the violence. Situations referred to in this report, in our view, meet these criteria. They have been marked by prolonged and intense military engagements, including by Government armed forces as opposed to just by police, by the use of heavy weapons and by the displacement of thousands of civilians as well as significant civilian casualties. The motive for an operation and how it is referred to by the affected States themselves do not alter this determination.

That being said — and I hope this will respond in part to comments raised by the representative of Sri Lanka — it is important to repeat and to reassure Member States that such a determination or inclusion in such a report should not be seen as judging or condemning the conduct of the parties or in any way questioning States' entitlement to take the measures to put an end to terrorism, nor does it affect the legal status of the parties involved or equate the parties in any way. Again, in response to what was said by the representative of Sri Lanka, in our considerations, we do indeed try to take account of the ground realities, civilian casualties from suicide bombings and other indiscriminate attacks, which I mentioned specifically this morning, and the need to both respect national sovereignty and cooperate with national Governments while, of course, at the same time, respecting the basic humanitarian principles of independence, impartiality and neutrality.

What that means is that once the response to terrorism is such as to reach the threshold of an armed conflict, it must comply with international humanitarian law and, as I have emphasized before, violations of this law by the parties the affected State is fighting does not entitle it to ignore its own obligations under international law.

I listened carefully to what the distinguished representative of Israel said, and I of course take seriously the points he made, while not necessarily agreeing with him. I have one or two specific comments to make in response. The brief factual paragraph that was devoted to the conflict in Gaza at the beginning of this year could not, of course, cover all the points or all the nuances of a complex situation in the same way that references to other situations did not pretend to be comprehensive, while still aiming to be balanced. The report did not mention on this occasion the rocket attacks against southern Israel, but the Secretary-General, I and many others from the United Nations have strongly and systematically condemned such intentional targeting of civilians in the past, so there should be no question about our position on this.

As to the manner in which the report refers to the conduct of Hamas during the conflict, we are unfortunately not in a position ourselves to verify reports of improper use of civilian objects or civilians themselves as shields — inter alia, for some of the reasons given by Israel — and therefore cannot speak with a greater degree of certainty. However, the information we do have does raise extremely serious concerns in this regard. The fact-finding commission currently being conducted by Judge Goldstone under the auspices of the Human Rights Council is aiming to clarify this question, as well as others raised in this context. It is a matter of regret that the Government of Israel has not so far been willing to cooperate with the inquiry.

Meanwhile — and I hope, again, that this will respond to some extent to comments made by the representative of Sri Lanka — we certainly are very conscious of the general problem of non-State actors not adhering to their protection of civilians obligations and, more widely, the problems posed in this context by asymmetric warfare, as the Secretary-General's report and, indeed, my presentation this morning made clear.

A number of States have, in fact, expressed support for further discussion about engagement with non-State armed groups in order to improve their compliance with the law and the idea of an Arria formula meeting. A number of States also noted the sensitivities that surround such engagement and the need to avoid political legitimization. I fully acknowledge these sensitivities, but at the same time the truth is that we do need to engage with such groups if we are going to promote and seek improved protection of civilians, if we are to have consistent access to those in need, and if aid workers are to be able to carry out their work in a safe and secure environment, which is frequently not the case at the moment.

On the question of access, I am encouraged by the positive response to the annex on access constraints, and we intend to continue to provide detailed information on this issue to the Security Council, including through the Expert Group, with the aim of improving access in practical terms on the ground.

Finally, I have noted the numerous calls for improving the quality of the reporting on protection of civilians in the Secretary-General's country-specific reports, and also calls for more assessments and monitoring of the actual implementation of the Council's mandates to protect civilians. This is one area we intend to take forward with Member States and other relevant parts of the Secretariat between now and our next debate in November.

My colleagues in the Office for the Coordination of Humanitarian Affairs will also be consulting with members of the Council and other Member States to identify the most appropriate and effective means of ensuring follow-up to the recommendations in the report, in advance of the next open debate in November. In this context, I welcome the intention of the future Austrian presidency to give that debate ministerial attention, and I hope that other Security Council delegations will consider following this example as a sign of the seriousness with which the Council takes these issues and of its determination to achieve practical results.

I thank you again, Sir, for organizing debate, and I thank all delegations for their contributions and attention.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.35 p.m.